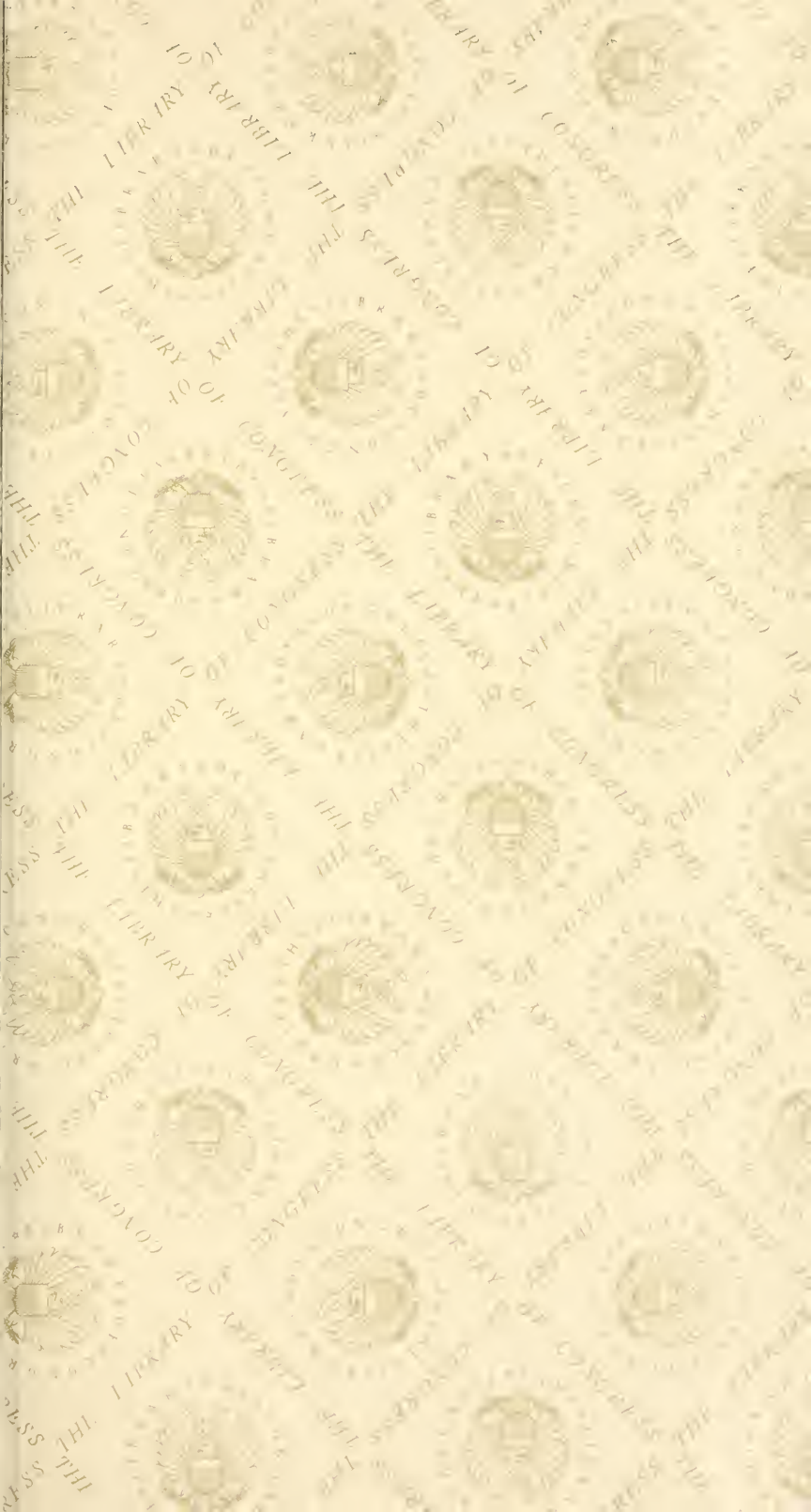


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AUTHENTIC

# BIOGRAPHY

OF

COLONEL RICHARD M. JOHNSON,

OF KENTUCKY.

*William E. Garrison*

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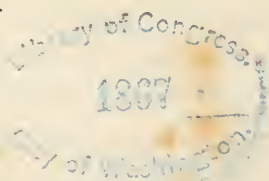
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## PUBLISHER'S PREFACE.

It is with heartfelt pride and gratification that the publisher has it in his power to present to the American public the following authentic outline of the life and actions of COLONEL RICHARD M. JOHNSON, of Kentucky. This sketch, faint and imperfect as it is, will serve to record some few of the meritorious services which have distinguished his career and rendered him an object of general admiration and respect. In him we find combined, in an eminent degree, the qualities which distinguish the philanthropist, the statesman, and the hero. We see him, while yet in early youth, pleading the cause of the poor against the rich, in the courts of law, without the least prospect of fee or emolument, and thus exposing himself to the ill will of the wealthy and influential, as well as to the censures of his brethren of the profession. We see him again at the early age of twenty, filling, to the satisfaction of his constituents, a seat in the legislative councils of the state; and soon after, while yet under the constitutional age, called, by popular acclamation, at a critical period, to represent the state in the national councils. In his congressional career of thirty years, as a senator and representative, we find him the prominent, bold, ardent, and unwavering champion of liberal and national principles, espousing the cause of humble and friendless claimants,—sustaining national honor and interests against the efforts of party zeal,—combatting the prejudices of ages, in favor of honest and oppressed debtors, stemming by his personal influence and resistless eloquence

the combined exertions of misguided religious enthusiasm, and strongly discountenancing, at the sacrifice of some personal partialities, the dangerous political heresy which lately threatened our Union.

If we follow him to the field, we see him inspiring confidence among his followers, and carrying terror to the hearts of the foe; freely pouring out his blood in the cause of his country, or returning the herald of victory. Now we see him, at the age of fifty two, in the full vigor of life, not only the favorite of Kentucky, but the boast of Americans, and still ready and able, at the call of his country, to do her good service in the cabinet or in the field.

Surely, then, the publisher may, with confidence and pleasure, present to the public the biography of so illustrious a citizen. His fame is already in the keeping of the American people, and in their hands it will be safe; for they are a grateful people, and will ever hold his character and services in grateful remembrance.

“ Let the heart of his country cherish  
His high and well earned fame,  
Till a glory that cannot perish  
Be gathered around his name.”

ASHEL LANGWORTHY.

New York, July 1, 1833.

**BIOGRAPHY**  
OF  
**COLONEL RICHARD M. JOHNSON,**  
OF KENTUCKY.

COL. RICHARD MENTOR JOHNSON was born in Kentucky in the autumn of the year 1781. He was the third son of COL. ROBERT JOHNSON, a native of Virginia, who had emigrated to Kentucky during the revolutionary war, and while it was yet a county of that state. Col. Robert Johnson partook strongly of that high toned integrity and courage which marked the times in which he lived, and the race to which he belonged. The men of that day seem to have been specially gifted by Divine Providence with those heroic virtues which befit the fathers and founders of a republic. To them was assigned the task of erecting in the new world, a new political system, under which the long forgotten rights of man could take shelter and abide. By them was the forest to be felled and the earth made to yield its harvests. The new settlements were to be protected from the hostility of the aborigines, and in support of their rights, liberty, and independence, a long, bloody and desperate struggle was to be maintained with the mother country. Magnanimity, perseverance and self-denial were essential to their success; and

these qualities they possessed in the highest degree. Prominent among these men was Col. Robert Johnson. His wisdom, integrity, and discretion secured to him the esteem and confidence of his fellow citizens, which they manifested by repeatedly electing him to the general assembly. An inflexible adherence to the principles of justice, a life of Christian morality and fervant piety, and a manner happily combining gravity with gentleness, gave him a commanding influence in society.

Kentucky, at the period of Col. Johnson's removal to it, was called the "*Bloody ground*," on account of the frequent and sanguinary wars waged upon the settlers by the natives, in which whole neighborhoods were often desolated, the settlers being massacred without discrimination of sex or age, and their habitations laid in ashes, and the crops destroyed. In these wars Col. Johnson took an active part; and such was the confidence reposed, by his fellow citizens, in his courage and conduct, that he was called to a conspicuous station in every bold and hazardous adventure. His country's cause he regarded as his own; and he deemed it his duty, as a citizen, freely to put at peril his personal interests, and even his life, in defence of the commonwealth. This sentiment he inculcated upon the minds of his children, with earnest solicitude. He early inured them to the endurance of hardship and privation. So far, indeed, did he adopt this Spartan mode of education, that when his eldest son, Col. James Johnson, was



but fifteen years of age, and too feeble to undergo the fatigues of the wilderness, he took him to the conflict with the savage foe, with a servant to carry his rifle, and assist him in difficult passages, that he might thus learn from early habit, to endure the toils and brave the dangers of war.

After the termination of hostilities with the Indians, Col. Johnson devoted himself assiduously to his favorite employment of agriculture, and to the education of his large family. Still he was not neglectful of the public interests; and, to the close of his life, with but few and short intervals, he continued to discharge various and honorable trusts reposed in him by his fellow citizens. He was a member of the convention which framed the state constitution of Kentucky, upon her admission into the union; and also, of the convention by which that constitution was revised. He served, for many years, in the state legislature, to the entire satisfaction of his constituents. It was his uniform rule to refuse offices of every description, except such as emanated directly from the people; and their confidence he retained unshaken to the end of his life. Though he was of respectable parentage and connexions, he had no inheritance; but, by a long course of industry and enterprise, he accumulated an ample fortune, sufficient to rear and educate a large number of children, and give to each a handsome estate. Such, and so pure, disinterested, energetic, useful, and unobtrusive, was the life of Col. Robert Johnson. He was one

of those men who planted civilization, and civil and religious liberty in the magnificent valley of the Ohio ; who gave an impulse to its agriculture, commerce, and general improvement, which will carry it to a height of prosperity and glory, unrivalled in the world ; and who have left upon their descendants the indelible impress of their own exalted character. What nation or state of ancient or modern days, can boast of such founders as were the first settlers of Kentucky ? They were brave, virtuous, and intelligent. They were fierce and daring in war, but in all the pursuits of peace, industrious and enterprising ; free from religious superstition, cant, and priestcraft ; but pure in their lives, benevolent in their dispositions, and rigidly just in all their transactions ; of unbounded devotion to liberty, but still abhorrent at licentiousness. The sons of such sires cannot soon degenerate. Long may they continue to present, as they do, to the country and to the world, illustrious examples of public virtue and private worth.

Justly appreciating the advantages of knowledge, Col. Johnson gave his children the best education which the literary institutions of Kentucky, then in their infancy, could afford. The means of classical education were, at that time, very limited ; but he omitted no exertions to impart to them such knowledge as would tend to enlighten their understanding and imbue their minds with virtuous and honorable sentiments. The success of his endeavors demonstrates the wisdom of his course.

Richard was the first of his sons who resolved to qualify himself for a learned profession. At the age of fifteen, he accordingly left his father's house in quest of advantages superior to those which were presented in that vicinity, and entered an excellent country school, where he acquired a grammatical knowledge of the English language and the rudiments of the Latin. From this seminary, he went to the Transylvania university, at Lexington, where he finished his classical and scientific course. While there, his industry was unremitted and his progress rapid.

On leaving the university, he selected the profession of the law, for his future pursuit; and commenced the study under that celebrated statesman and counsellor, Col. George Nicholas, but a few weeks before his death. On the decease of this gentleman, he placed himself under the direction of the Honorable James Brown, now of the state of Louisiana, and late a senator in Congress from that state, and since, an envoy and minister plenipotentiary from the United States to the court of France, but who was then a distinguished member of the bar in Kentucky. With this eminent citizen who has been alike distinguished for eloquence, learning, courtesy, and manly feeling, he finished his studies preparatory to the practice of the law.

At the age of nineteen years, under the disadvantages of a hurried education, he entered upon the arduous and responsible duties of his profession. But if fortune had not favored him with all

the advantages which he would have desired, during his noviciate, these deficiencies were amply made up by his characteristic industry and perseverance. An acute, discriminating mind furnished him, intuitively, with many valuable attainments in his profession, which most others acquire only by a long course of laborious investigation. The active energies of his mind immediately began to develop themselves, and his success surpassed the most sanguine expectations of his friends. But the qualities of his heart, which have since so much endeared him to the most virtuous portion of the community, were soon brought into more public notice. Many indigent, but honest citizens, were exposed to embarrassment and ruin from tedious and expensive litigations with their artful and designing neighbors, especially in the clashing of land claims, an evil incident to most new settlements; and as few are found to plead the cause of the poor, a disinterested friend must be to them, an invaluable acquisition. Such a friend they found in Col. Johnson. His humanity and love of justice would not suffer him to remain an idle spectator of injustice and oppression. Often he espoused the cause of the poor against the rich, without the least prospect of recompense; and he was never known to withhold his professional aid, even in the most intricate and laborious cases, on account of the inability of the client to pay the fee. By this course he secured to himself, without even a seeming ambition to gain it, the just reward of



his virtues, the approbation and esteem of his fellow citizens.

He manifested an early fondness for the study of political economy, and of the science of government ; and his reputation for attainments, as well as for integrity, brought him, at an early age, upon the theatre of public life. The citizens of Scott county elected him to represent them in the legislature of Kentucky, more than a year before he had arrived at the age, designated in the constitution of that state, as a qualification for that office. But such was the confidence reposed in him, and such the anxiety of his fellow-citizens to secure his services, that all inquiries concerning the qualification of age were suppressed, and he was elected almost by acclamation. As a member of the legislature, he acquitted himself to the entire satisfaction of his constituents. Having served two years in this station, he was called, by the voice of his fellow-citizens, to a seat in the national legislature, as a more extensive theatre for the exercise of his useful abilities. At the age of twenty-four years he was elected a representative in the Congress of the United States ; and in October, 1807, when he had passed the age of twenty-five but a few weeks, he took his seat in that body, a short time after the memorable attack of the British frigate, *Leopard*, upon the frigate *Chesapeake*. The whole country was thrown into a flame by this event ; and party politics became still more violent and excited. The politicians of that day

were divided into two great parties, denominated federalists and republicans; though neither party would disclaim the denomination of the other, both of right belonging to every real American. To the latter of these Col. Johnson attached himself, not from a time-serving policy, but a fixed and uniform attachment to the principles of democracy, from which he never swerved. Naturally of an ardent disposition, he often engaged in the excited debates which then agitated the national councils; but believing that many of the opposite party were governed by high sentiments of patriotism, and acted under honest convictions, he always carefully distinguished the measures which he opposed, from the men who were their advocates. In this course he obtained the confidence of all parties; and even his warmest political opponents universally esteemed him as a gentleman of strict integrity and honor, both as a politician and a man. Immediately upon taking his seat in Congress, he was placed upon some of the most important committees, to digest and prepare business for the whole body; and in the discharge of this duty his industry and discrimination soon became conspicuous. At the second session of his first term he was made chairman of the committee of claims. In this capacity an opportunity of more than ordinary interest presented itself for proving the liberality of his sentiments and the strength of his judgment. General Alexander Hamilton, whose services and talents will ever fill a conspicuous place in Ameri-

can history, had been more mindful of the fortunes of his country than of his own family ; and by his untimely death, his amiable widow, with several children, were left with but scanty means of support. She was therefore constrained to appear before the government as a claimant, and to demand a partial remuneration for the services of her late husband, which he had never received, and which, had he lived, he would never have required. But General Hamilton had been identified with the federal party, which was now in the minority ; and justice, as is too often the case, was blinded by party zeal. The claim was referred to the committee of which Col. Johnson was chairman. He investigated the subject with his usual industry and care, and was fully satisfied with the justice of the claim. Contrary to the expectations of many, he brought into the house an able report, favorable to the claimant, which he vindicated in one of the most eloquent and argumentative speeches ever delivered in that body. Though yet but a youth in years, as well as legislation, he fully equalled the highest expectations which would have been excited from the advantages of age and experience. His mind, on this, as on all occasions, rose entirely superior to all the prejudice of party, and evinced a rigid adherence to justice, which he vindicated with a zeal and ability that did honor both to his head and heart. Though his labors were not at that time attended with the success which they merited, a subsequent Congress has

allowed the claim which he then advocated, after a debate in which he also had the satisfaction to bear a part.

Congress, by law, had provided, that claims upon the government, if not presented within a limited time, should be forever barred on account of that neglect; which law, obtained the name of "the statute of limitation"; a statute, which, though beneficial in some cases, has operated in many instances, to deprive the citizen of his just due, and the widow and fatherless of their righteous support. Col. Johnson was of opinion that this rule, however wisely adapted to the liquidation of claims by accounting officers, ought not to be applied to the principles of legislation. The investigation of many claims, which disclosed the necessary causes of delay, so fully confirmed him in this sentiment that he became weary with advocating a point which would not be conceded by the house. He was therefore, at his own request, left out of this committee, and placed, by the speaker, upon the committee of ways and means. In this last committee he bore an active part in the whole system of finance which was resorted to for the carrying on of the war that followed, when the former sources of revenue were cut off, and the expenses of the government so greatly augmented.

The course which he uniformly pursued, from the commencement of his congressional career, was so entirely conformed to the views of his immediate constituents, and the ability with which he acquitted himself, so universally acknowledged,

that his popularity continued to increase with his experience, till it became altogether *unrivalled*, not only in his own district, but throughout the whole state of Kentucky. Nor was his fame confined to his own state. Every part of the Union admired his talents, and revered his virtues. In every question of great national concern, he bore an interesting part in the debate; and they who differed from him in point of policy, always acknowledged their conviction of the sincerity of his intentions, and the utility of his objects. Though wise and good men often differ in views, as to the attainment of their desires, yet the grand *ultimatum* of every genuine patriot is one—the liberty and happiness of their country; and not one of his political combatants, even in the most violent clashing of parties which this country ever witnessed, will deny that this was the darling object of Col. Johnson.

From the time of his first entrance upon the national theatre, clouds were gathering around our horizon, and sometimes the political hemisphere seemed overspread with darkness. But no portending calamity ever diverted him, for one single moment, from that course which he conceived to be most consistent with the independence and honor of his country. The storm at length came on. At the meeting of Congress, in the fall of 1811, the state of our foreign relations was such that, in the opinion of many, war with Great Britain was indispensable. All concurred in the sentiment that war was to be deprecated as a great national cala-



mity ; and that nothing but the preservation of our independence, and protection of those rights which are its essential attributes, would justify a resort to that unhappy alternative. Col. Johnson was among those who were convinced that the time had now arrived when no other alternative remained. He therefore gave his entire support to all the preparatory measures, which the approaching crisis required ; with this determination, that unless Great Britain should recede from the ground which she had taken, in her repeated depredations upon our commerce, before the close of that session, he would give his voice for the last resort of nations, an appeal to arms. In June, 1812, war was declared by Congress ; and for that declaration Col. Johnson gave his vote.

This new state of things introduced him upon a theatre very different from any on which he had before acted, and gave a fair occasion for the developement of those powers which have been viewed with admiration by the world, and which, but for this event, might have remained dormant. He manifested no ambition to shine in the military annals of his country, nor to eclipse the splendor which might irradiate the brow of her heroes. But having given support to the measures which produced the crisis, the same patriotic ardor urged him to the field, where he might share, with his fellow citizens, the toils and dangers which the common cause demanded. His mind, which is naturally bold and intrepid, had been accustomed

to danger in early childhood. While an infant, he was among the number of women and children in the fort at Bryan's station, when a furious assault was made upon it by five hundred Indians, and successfully defended by only thirty men. Dangers like these, which attended him continually in youth, had formed his mind to habits of peril, that made an impression never to be erased. His friends believed him to be possessed of military talents, capable of elevating him to a rank among the first commanders of the day. But to this distinction he never aspired. Being honored with the entire confidence of his fellow citizens, in the national legislature, and persuaded that the issue of the contest, in a great measure, depended upon the firmness and decision of that body, he determined not to enter the military service under the general government, which would have required him to relinquish his seat in Congress, but to perform such service as he might be able to render in the common cause, in no other capacity than that of a volunteer, under the laws of his own state. He had evinced a readiness to march to the call of his country, on a former occasion. When the Spanish Intendant, in 1802, closed against the United States the port of New Orleans, in violation of the existing treaty, a general excitement was produced throughout America, especially in the western states, and a war with Spain was strongly apprehended. On that occasion Col. Johnson, then a youth, only in his twentieth year, volunteered his services, among

many others, to pass down the western waters and make a descent upon New Orleans, in case of a war. In a few days he enrolled a large company, and was, by their voice, chosen to the command. The settlement of this dispute with Spain suspended the necessity of the service.

Very different was the result of the dispute with Great Britain. War being openly proclaimed in June 1812, the session of Congress, soon after, was brought to a close; when he hastened home, where he arrived in July, an anxious spectator of passing events, till clouds of darkness began to thicken around the north western horizon. Gen. Hull, with a considerable force, composed principally of Ohio volunteers, had marched to Detroit, and thence passed over into Upper Canada, and raised the American standard at Sandwich. Suddenly the prospect of success was changed for that of disaster and disgrace. The army lost confidence in Gen. Hull as their commander; and the retrogression of his movements, the indecision of his conduct, together with the loss of time in availing himself of advantages which had presented themselves, began to portend defeat and ruin to the whole army. No sooner had these rumors reached Kentucky, than Col. Johnson was roused to arms. In sixty days, duty called him to his seat in Congress; but believing that the fate of the army would be determined in a short time, he resolved on repairing to the scene of danger, with as many of his neighbors as would unite



with him in the undertaking, to meet the advancing foe. Isaac Shelby, Esq. then Governor of Kentucky, called a council of war to deliberate upon the measures which ought to be taken for the relief of the army. Col. Johnson attended this council. It was agreed that Gen. Harrison, then Governor of Indiana, should take command of the Kentucky troops, which should be called out on the occasion, by virtue of the brevet rank of Major General conferred upon him by the Gov. of Kentucky. Col. Johnson offered his services to Gen. Harrison as a volunteer aid, and asked leave to raise a volunteer corps of mounted men, to join him as soon as possible. This service was gratefully accepted, and the request granted. Col. Johnson immediately made an appeal to the patriotism of his fellow citizens in his own and the adjacent counties, and in a very short time a large battalion joined his standard, consisting of some of the most respectable citizens of Kentucky, and, in many instances, of veteran warriors, whose age and former toils had rendered them incapable of enduring the fatigue of long marches on foot. This kind of force, for rapid movements, in defending an extensive frontier, was esteemed a most valuable acquisition; and this kind of service seemed to be the favorite of Col. Johnson.

This Spartan band, for such it was sometimes called, was organized into three companies, under the command of Col. James Johnson, an elder brother of Richard, Major John Arnold, and Capt.

Charles Ward, men distinguished for their bravery and experience in Indian warfare, and long known as the genuine friends of liberty and their country. As the officers were chosen by the men, so mutual confidence existed; and all animated by the same spirit of patriotism, they formed one fraternal, one harmonious, one invincible band of heroes.

On the eighth of September, 1812, they reached head quarters at St. Mary's, at which time the north western army was at the point of marching to the relief of Fort Wayne, then infested with five hundred Indians. In the mean time the calamity which had been feared was realized. Gen. Hull had surrendered his army to the British. Machinac had been given up, and Chicago abandoned by our troops. This battalion was now organized, and Col. Johnson elected to the command. He was always appointed to form a part of the front rank of the army, and performed his duty with such perfect satisfaction to the whole, as could not fail to inspire the highest confidence. The service was short, but very arduous, in their marches to fort Wayne, Elkhart, and back to St. Mary's, where he arrived on the thirtieth September. Here his force was augmented by a battalion of mounted volunteers, under command of Major Rossier; and being organized into a regiment by general order, Col. Richard M. Johnson was elected to the command, at a time when the whole army was under marching orders for Fort Defiance, to

the relief of the advance army under Gen. Winchester, which was threatened with an attack, by a superior force of British and Indians. In the approach of the army to Fort Wayne, which was besieged by a superior force, Col. Johnson selected a party, under command of Major Suggett, a brave and distinguished officer, for the purpose of penetrating to the Fort, to advise the garrison of the advance of the army to their relief, lest they might be induced to surrender. This party met with about the same number of the enemy, who had been sent to reconnoitre our army. After a severe skirmish, Suggett's party routed the enemy, and killed an Indian chief. This gave great credit to the mounted regiment, and so animated the spirits of the whole army, that all became ardent for battle. The opportunity, however, did not offer, before the service terminated for that season. After a very active campaign, for about fifty days, he returned to Kentucky, for the purpose of proceeding to Washington to take his seat in Congress.

Although not much was done during this campaign, yet Col. Johnson gained much advantage from his improvement on the subject of military operations. From the commencement of hostilities, he, with his brother James, a hero of inestimable worth to his country, applied all his leisure moments to the study of the military art; and this short campaign enlarged their views upon the subject, by giving them practical knowledge of the police of the camp, the order of march, the forma-

tion of the line of battle, and other important military evolutions, which were now become familiar. It also furnished fuel to that fire which the love of country had kindled in his bosom ; and by increasing his ardor for the contest, in which he conceived the honor and happiness of his country to be involved, it probably contributed, in some measure, to the success of the following campaign, which terminated so beneficially to his country, and so gloriously to himself.

During the session of Congress which followed, 1812-13, he matured and reduced to writing, the plan of a winter campaign against the Indians, and submitted it to the President of the United States for consideration. The President referred it to Gen. Harrison, a major general in the service of the United States, and high in the confidence of the country, for his opinion thereon. Gen. Harrison approved the plan, except as to time, believing that the winter would be less favorable to the object than a milder season, but recommended that it should be undertaken in the summer. In consequence of this the President determined that the plan should be put to the test of experiment the following season. Accordingly, Gen. Armstrong, then secretary of war, authorized Col. Johnson to organize, and hold in readiness, a regiment of one thousand mounted volunteers, the officers to be commissioned by the Governor of Kentucky after the men should be enrolled. On the adjournment



of Congress in March, 1813, he hastened home, for the accomplishment of his object.

The little service he had performed had raised the highest confidence in his military skill, and this, with his general popularity, ensured the most complete success to his undertaking. In a few weeks his regiment was filled with citizens of the most respectable character, for morality, bravery, and fortune. A very considerable proportion were professors of the Christian religion; and while in service, except on forced marches, meetings for prayer and religious exercises were held in the camp, almost every evening, as well as on the Sabbath. The officers, as on the former occasion, being elected by the men, were persons of the highest merit, enjoying the entire confidence of the regiment. Soon after the regiment was organized, with Col. Johnson at its head, and his brother James, a gentleman of equal merit, for his lieutenant, Gov. Shelby, of Kentucky, received intelligence that Col. Dudley, at the head of a detachment of the Kentucky militia, under Gen. Green Clay, had been defeated opposite Fort Meigs, on the Miami of the lakes; that Fort Meigs was besieged by a large force of British regulars and Indians; and that immediate aid was necessary. In demanding succors of Governor Shelby, many letters spoke of the mounted regiment under Col. Johnson, in terms of the highest confidence; and the general desire appeared to be, that he should march forthwith to the relief of Fort Meigs, and the

defence of the Frontier of Ohio, which was then much exposed to the ravages of the Indians. His former services on that frontier had given him character as a young officer of uncommon enterprise. The Governor of Kentucky, at the request of Col. Johnson, permitted him to collect his regiment, then scattered over a considerable territory, and march to the scene where his suffering country called. At his own expense, which was never an object with his generous mind, the companies and parts of companies were notified to rendezvous at two points; and in ten days the whole regiment, in complete readiness, was under marching orders for the frontier of Ohio.

Here commenced that attention to order and good conduct, which marked the whole service of the corps—here commenced that attention to military discipline, which united the regiment as one man in the day of battle, when it fought and conquered double its number.

From this moment, its labors were unre-mitted; the usefulness of its services, extensive; and the success of its undertakings, unrivalled. It formed a complete bulwark to the frontier of Ohio, which had been exposed to the merciless havoc of the tomahawk and scalping knife. Continually exposed to the toils of forced marches; or, when resting for a moment, engaged in skirmishes with the enemy, and making inroads upon him, their exercises were so severe that more than five hundred horses were lost in the cam-

paign ; yet, such was their vigilance in providing supplies, that they never suffered any material inconvenience on account of the loss. The regiment soon acquired a name that attracted the admiration of the country, and induced numbers to leave their homes and follow it ; so that, although their loss was considerable, in fatigues and skirmishes, yet their number was fully as great, on the day of the celebrated battle of the Thames, as the day they marched from Kentucky. Lieut. Col. James Johnson, whose military talents, intrepidity, and decision, would have entitled him to a general command, was doubtless of great benefit to his brother, in the discipline and order of the regiment, and the annals of America will award to him the full share of glory which this little band acquired. He was constantly engaged in the discipline of the regiment ; and through their united efforts, together with all the officers, it might challenge comparison with any corps that was ever organized, for perfection of discipline and order. Nor was their discipline that of despotic power on the one side, and degrading submission on the other. It was that of choice. The officers never forgot that the men were their brothers and their equals ; nor did the men lose the spirit of independence, while they yielded a willing obedience to the officers of their own choice. In this harmony of concert did they move on to victory and glory. The Colonel, almost every day, addressed the men upon the righteousness of their cause, the necessity of deter-

mined valor, and the advantages, both to themselves and country, which would be derived from success ; all of which he was well qualified to do, in a manner that could not fail to bring into action every latent power of the soul. Chicago, the river Raisin, and Fort Meigs, witness the utility of their movements, in their excursions into the heart of the enemy's lines. The splendid victories of the American navy were frequent topics of conversation, and often brought to view, by the Col. and his brother, as examples worthy of imitation ; and by unanimous vote they agreed that when ever they should come to battle each one would do his best endeavor to bring it to a close in thirty minutes, and that they would die like brothers at the side of each other, or share the victory. In the day of trial their resolution was not forgotten.

In their march towards Detroit, an express was received from Gen. Clay, commanding Fort Meigs, so called in honor of the patriotic Governor of Ohio, giving information of the approach of a large body of the enemy, whom he expected to surround the fort before succors could arrive, Col. Johnson immediately set out with his regiment to their relief, by forced marches, being about fifty miles distant. As they drew near, in expectation of a bloody conflict, the Colonel drew up his men, and in an animated harangue, seemed to infuse new vigor into their souls. He told them that in a little time they would be opposite Fort Meigs, when they should probably find the enemy, in superior numbers,



occupying the only ground that would answer for an encampment; that they must now come to the determined resolution of breaking through the lines of the enemy, with their inferior force, or to die in the attempt; that no thought of retreat must be indulged; and he who was not fully resolved on victory or death, must immediately separate himself from the army. "The tide of fortune," said he, "must now be turned in our favor, and Kentucky must no longer mourn the fall of her gallant sons, but in the arms of victory." To this address the regiment, as with one voice, proclaimed their entire accordance, and reechoed, with three cheers, the sentiments of their commander. The march was resumed; and having advanced fifty miles in one day, they encamped opposite the fort the same night, the enemy not having made his appearance.

Col. Johnson, knowing that the efficiency of his regiment depended much upon arrangements to provide against unforeseen and unavoidable contingencies, was careful to have active and enterprising officers continually employed in the interior procuring horses, and receiving such volunteer recruits as were disposed to unite their destinies with those of his command; and such was the favorable result of this timely precaution, that he carried with him into battle a thousand effective men, all well mounted, though they had lost about five hundred horses, during the campaign.

But we should not omit to notice that at this time,

while he was leading his Spartan band to victory and glory, an extra session of Congress was convened, to deliberate upon the means, and devise the proper measures for successful prosecution of the war. As a representative, duty called him to the councils of the nation; but as a citizen in arms, resolved to maintain his country's rights, it urged him to the field of battle. Many of his friends, and all his political opponents, desired him to return from the pursuit of the enemy, or resign his seat in Congress. He was not insensible to the critical situation in which he was thus placed. He saw that he was the favorite of the regiment; and to leave his command, at that juncture, would be highly injurious. Knowing that the session of Congress would be short; that if he should resign he would displease most of his best friends, and without a possibility of their electing another representative to take his seat before the close of the session, he resolved, in accordance with the minds of a great majority of his constituents, neither to resign his seat in Congress, nor to leave his regiment till the close of the campaign. To this determination, he was influenced from the consideration that our arms had been unsuccessful in the north, and that more than ordinary exertions were necessary to check the triumph of the enemy, to counteract the disasters which had been experienced, and to rescue from danger the glory of the nation and character of its prowess.

As the crisis of the north western army approach-

ed, Col. Johnson, with his regiment, having effected the object of his march to Fort Meigs, pursued his way towards Detroit. Governor Shelby had already crossed over into Canada at Portage, with a large volunteer force of Kentucky militia, while Col. Johnson, with his regiment, continued his march upon this side of the line, with the view of guarding the country more effectually against savage depredations. When within a few miles of lake Erie, the joyful news was announced of a signal victory gained by Commodore Perry, with the squadron under his command, over the whole British force on that lake ; by which the way was now opened to the invasion of Canada. These welcome tidings filled every bosom with rapture. A glow of enthusiasm shone upon every countenance, and the heavens were rent with acclamations of joy. If this auspicious event opened an easy access into Canada, it was no less propitious to the military ardor of the whole army. Gen. Harrison, the commander in chief, was with Governor Shelby ; while Col. Johnson, with his regiment, alone was upon the American side, performing a long and hazardous march, exposed to the attacks of Indians in double numbers, that might, without difficulty, cross over from Malden and attack him by surprize. The manner in which this march was performed reflects much credit upon his military talents. His regiment consisted of eleven hundred men. One company of about one hundred men had been detached to escort provi-

sions, and was dismounted, and crossed over with Gen. Harrison at Portage. He formed out of his regiment six companies to act as artillerists and march at the head of four charging columns, with four six pounders that he had taken with him from Fort Meigs. At night he encamped in a hollow square, with his field pieces at the four corners, placed in such position as to be able to rake all the lines. During the whole of the service of this regiment, his camp was always fortified, and when in any apprehension of danger, was effectually secured against surprize. In this order he reached Detroit, without suffering an attack, or meeting with any occurrences worthy of note. On his arrival at Detroit, orders were given him to cross the river into Canada in pursuit of Gen. Proctor, who was on the retreat. On the first of October he crossed over from Detroit; and on the third came up to the rear of the enemy. A continued skirmish was kept up with them, for two days previous to the decisive engagement; during which time he left the body of his regiment under Lieut. Col. James Johnson, to be kept in constant order for battle; while he was himself with a reconnoitering party harrassing the rear of the enemy, and making his movements. The number of British regulars, under Gen. Proctor, could not then be ascertained, nor the number of Indians who acted with them; but it was evident that the American force, under Gen. Harrison and Governor Shelby, consisting of part of a regiment of



regulars, and principally of Kentucky volunteer militia, was greater than that of the enemy. The British and Indians however were retreating into their own country, where their numbers were continually augmenting; and without the aid of mounted men it was impossible to bring them to battle. To effect this object Col. Johnson, with his reconnoitering party, pressed continually upon them, till they were forced to make a stand. From a videt whom he made a prisoner at that fortunate moment, and whom he accused with being a spy, but promised to save on the condition of his giving a faithful account of the numbers and position of the enemy, he learned that the British regulars, between seven and eight hundred in number, were drawn up in a line from the river Thames on their left to a narrow swamp, impassible except at particular points, running parallel with the river at a distance of nearly a hundred yards from its margin; that, on the right of the regulars, west of this swamp, were lying in ambush about fifteen hundred Indians, under the command of that celebrated Indian warrior, Gen. Tecumseh. Thus, advantageously posted, it appeared evidently the design of the enemy, if the mounted regiment should attack and force them to retreat, for the Indians to fall upon their rear and cut them off from the main army, which was three or four miles back. Col. Johnson lost no time in communicating to Gen. Harrison the information he had thus obtained. The General, confiding in the valor of

the mounted regiment to sustain the combat till the whole army could be brought up, gave immediate orders for the regiment to divide, and at the same moment charge the regulars on horseback, and the Indians in their own manner of warfare. Never was an order more wisely given, or more perfectly executed. Satisfied, from the many trials which had been made in the training of the regiment to this kind of exercise, they would succeed in this novel method of charging, and believing that no other expedient would be effectual to prevent a retreat before the whole force could be brought to bear upon the enemy, and at the same time defeat his object of bringing the Indians upon their rear, the order for a simultaneous attack, and in the manner in which it was executed, reflects immortal honor upon the General.

In obedience to this order, Col. Johnson divided his regiment. Finding a point at which he could pass the swamp, he with one half moved on to attack the Indians, leaving his brother, Lieut. Col. James Johnson, with the other half, to lead the charge against the regulars; and that both might be simultaneous, the sound of a trumpet was to announce to the Lieut. Col. the moment when the Col. was ready for the conflict. The battalion under the Lieut. Col. moved regularly on till within about a hundred yards distance of Gen. Proctor's regulars, where they waited the signal for attack. To draw from the enemy their fire, Major Suggett, at the head of about a hundred men, dismounted

and advanced within about forty yards of the enemy, giving orders that when the trumpet from beyond the swamp should sound, each man should deliberately present and fire at the enemy. This order was strictly obeyed, and the fire was most effectual. It drew from the enemy a hasty fire, which proved perfectly harmless. The charge was instantaneously made by the mounted battalion, moving in full speed and with a universal shout, which carried consternation and dismay through all the ranks of the enemy, breaking through his line, and proving a destructive fire upon his rear. Gen. Proctor, and a few dragoons, made their escape by flight, and all the remainder of his army surrendered. This was effected, with a force far inferior, without the loss of a single man. The charge was led by the intrepid, the persevering Lieut. Col. James Johnson, whom no dangers could dismay, no obstacles discourage; and the men whom he commanded were worthy of such a leader.

The task of Col. Richard M. Johnson was still more hazardous; for he had Tecumseh for his combatant, with a force three times more numerous than his own. As he advanced against the Indians, who, according to their custom, were concealed from view by lying in the grass and bushes, and behind trees, he selected twenty men, with whom he advanced a few rods in front of the main body, to bring on the battle without exposing the whole to the first fire of the Indians. While thus

advancing, they received the fire of their savage enemies, and nineteen of the twenty fell, leaving but one man of that number, besides the Colonel, to pursue the charge. This shot brought the Indians from their ambush. He immediately ordered his men to dismount and advance to the combat. The order was promptly obeyed: the Col. only remained mounted. A dreadful conflict ensued. In the midst of this scene of slaughter, the Colonel, still moving forward into the midst of the Indians, observed one who was evidently a commander of no common order. His gallantry was unrivalled, and his presence inspired a confidence among his followers, equal to what might have been expected from an Alexander. He was a rallying point for the Indians, and where he stood they were impregnable. Col. Johnson did not know the man; but observing his intrepidity, and the effect which his example had upon the others, and knowing the great superiority of their numbers, he considered it necessary to dispatch him in order to secure the victory. The Colonel had already received four wounds, and was greatly weakened by the loss of blood. His horse also had been so wounded as to be unable to move faster than a walk. He could not approach the chief in a right line, on account of the trunk of a very large tree which was lying before him. He therefore rode round the head of the tree, which was at his right, and turning his horse directly towards the chief, advanced upon him. At the distance of



a few yards, the Colonel's horse stumbled, but, providentially, did not entirely fall. This gave the Indian the first notice of his approach; who instantly leveled his rifle at the Colonel, and gave him another wound, the severest which he received in the battle. He did not however fall, but continued his movement towards the Indian till he came so near that the Indian was raising a tomahawk to strike him down. The Colonel had a pistol in his right hand, charged with a ball and three buckshots, which he had held against his thigh, so that the Indian had not discovered it. This chief was arrayed in the habiliments of war, clad in the richest savage attire, and his face painted with alternate circular lines of black and red from the eye downward, which increased the natural ferocity of his savage countenance, and apparently indifferent to every danger which awaited him, seemed confident of his victim; and as he raised his tomahawk, with a fierce look of malicious pleasure,

“Grinned horribly a ghastly smile.”

At this moment the Colonel raised his pistol, and discharging its contents into the breast of the Indian chief, laid him dead upon the spot. The Indians near him, filled with consternation on seeing their commander fall, raised a horrid yell and instantly fled. The Colonel, covered with wounds, twenty-five balls having been shot into him, his clothes and his horse, was unable any longer to act, but was taken from the battle ground

faint, and almost lifeless. The battle at that point was ended, except in pursuing the retreating foe ; though in other parts of the line it continued for a considerable time, till the main body of the army drew so near as to send a reinforcement to the left wing of the battalion, when the retreat of the Indians became universal.

This was one of the most glorious victories of the war. The battalion under Col. Johnson consisted of about five hundred men ; the number of the savages was not less than fifteen hundred. The Indians chose their own manner of fighting ; and it was in close contest, each man being stained with the blood of his victim by means of their nearness. The number of killed and wounded of Johnson's battalion was about fifty. That of the Indians could not be ascertained, as they are in the habit of carrying off as many of their dead as possible. Eighty were found lying upon the field, besides many others slain in the pursuit, and borne away by those who escaped.

The effects of this victory were also as salutary as its achievement was glorious. It put a complete period to the war upon the northwestern frontier, and ended the cruel murders that had been so frequently perpetrated in those regions, in which female tenderness and helpless infancy had been the common victims of savage barbarity.

No sooner had the battle ended, than it was discovered by those of the regiment who were viewing the scene of horror which the battle ground present-

ed, that the Indian whom the Colonel had slain was, in all probability, the celebrated Tecumseh; and before the Colonel had so far revived as to be able to speak, the tidings ran through the camp, that he had killed Tecumseh. This was for some-time undisputed; but whether envy, or honest doubt led to a denial of the fact, is neither certain nor important, yet it afterwards became a subject of dispute whether it was Tecumseh that he slew. Some of the circumstances which confirm the fact, shall here be noted. It is known that Tecumseh was killed in this battle, and that the person whom Col. Johnson killed was a chief warrior. It is also known that but one other chief was killed, in any way answering to the description given of this person, and that he, a brother-in-law to Tecumseh, was killed in another part of the battle. Several persons who were in the battle, and who were perfectly indifferent to the hand by which he fell, have avered to the writer of this, that Tecumseh was found dead upon the very spot where Col. Johnson killed this chief; and that a medal was taken from that body which was known to have been presented to Tecumseh by the British Government. Anthony Shane, a celebrated Indian warrior, who is partially civilized, is a man of high character for honor and integrity, and has been the uniform friend of the United States: he was at the Thames at the time of battle, and had been intimately acquainted with Tecumseh from early childhood. The writer of this inquired of Shane,

what he knew of the death of Tecumseh. He answered, that immediately after the battle of the Thames was ended, he went to the spot where several of the men had seen Col. Johnson kill an Indian commander, and there he saw Tecumseh lie dead upon the ground; that he examined his body, and observed that he must have been killed by a person on horseback, for a ball and three buckshot were shot into his breast, and the ball passed through his body and came out at the lower part of his back. While looking at the body, he was asked if he was certain it was Tecumseh. Shane told them he was certain, for he had known him from childhood, and that if they would examine his thigh they would discover a remarkable scar occasioned by the misfortune of Tecumseh having his thigh broken many years before; that, on examining, they found the scar as he had described. Shane knew this person to be Tecumseh, and his body was found where Col. Johnson had killed an Indian commander. He was killed by a person on horseback; and Col. Johnson was the only person in that part of the battle who fought on horseback. He was shot with a ball and three buckshot; and the pistol with which Col. Johnson shot the Indian chief was charged with a ball and three buckshot. These circumstances establish the fact beyond all reasonable doubt, and as conclusively as any historical fact can be established, that Col. Johnson, in this chivlrous act, slew Tecumseh, and delivered his country from the most



courageous, the most hostile, the most skilful, and the most terrific savage foe that America ever had. His enmity was like that of Hannibal to the Romans, and his arm not less powerful; but before the unconquerable spirit of Johnson he fell, and terror fled from the habitations of the frontiers.

The war in that quarter being now ended, the army, after a few days' respite, took up its march towards their own homes; but Col. Johnson, whose wounds for a considerable time rendered his recovery very doubtful, was unable to continue with his regiment. He was brought to Detroit by water, where, after nine days' confinement, he found himself strengthened to such a degree as to commence his journey homeward, upon a bed prepared for him in a carriage. After a distressing journey, in which he endured, with a characteristic fortitude almost peculiar to himself, the most excruciating sufferings, he reached his own home in Kentucky in the early part of November. His recovery was very gradual; but the condition of the country being such as demanded the united wisdom and energies of all her legislators, and not only his immediate constituents, but the most devoted patriots of every part of the union shewing a solicitude to see him once more at his post as a representative of the heroes who had just been his companions in victory and in suffering, he was anxious to take his seat in Congress before the close of the session which commenced about that time. Accordingly, about the last of January following,



before he had yet been able to walk out of his own door, he set out for the seat of government, a journey of six hundred miles, with none but a faithful servant to accompany him. In February, 1814, he reached Washington, where he received the most cordial salutations of every member of the government. His political opponents, deeply sensible of his sincerity, his patriotism, and his valor, cordially united, assigning him the meed of honor.

The country was still involved in war, and there was no prospect of a speedy close of hostilities. The treasury was exhausted, and armies could neither be raised nor supported without money. The opposition which existed in the public councils against the measures of the government became still more clamorous, and seemed for a time to increase in strength. The disasters which had attended our military operations at other points, had almost disheartened the defenders of the country, and contributed greatly to the difficulty of making new enlistments. Our naval victories had indeed procured immortal glory to that branch of the service; but, to prosecute the war to a successful termination, it was necessary that something important should be done upon the land; and every eye was directed to the measures which Congress might adopt. At such a crisis, nothing could have been more fortunate for the country than the victory of the Thames, and the appearance again in Congress of Col. Johnson, whose conduct and gallantry had so eminently

contributed to that happy event, produced a sensation of universal delight. The dark cloud which then lowered, was viewed by him with calmness. To despondency he was a stranger; and his mind in the greatest exigencies which ever presented themselves always rose with the occasion, and seemed to acquire new strength for the development of its resources. Conscious of the righteousness of his country's cause, he never for a moment doubted that, under the direction of Heaven, the contest would ultimately result in the success of that side where justice was. In this confidence he again entered upon the duties of legislation, with a determination to pursue the undeviating course, which, in his opinion, would most effectually contribute to this desirable end. His voluntary services in the field, and the scars of honor which he bore, increased the weight of his counsel; and in all the subsequent measures which gave energy to the war, he bore an active and an influential part.

In August, 1814, the enemy had made a sudden incursion into the country; and before a sufficient force could be collected to repel the invasion, they reached the capital, burned the public offices, and by forced marches effected their retreat. Congress met the following month; and the occasion was seized upon by some who were unfriendly to the measures of the government, with others who had never been gratified in the location of the seat of its capital, to bring forward a proposition for its

removal. Col. Johnson took an active and decisive stand against the proposition. He regarded it as not involving the question of eligibility as to its location, but whether we should be compelled to abandon it by the success of the enemy. Under such circumstances, it was impossible for him to hesitate as to the course which policy dictated. Though prudent in all his movements, he never could be persuaded for a moment that prudence, under any circumstances, would justify a course calculated to increase the exultation of the enemy, much less to give them a triumph which they did not even claim. The measure was happily defeated. Col. Johnson then brought forward the motion to inquire into the causes of the capture of Washington, and was appointed chairman of the committee to whom the investigation was confided. In the discharge of the duty which this business involved, he was indefatigable in his labors, and successful in his efforts to present the whole subject before the American public and the world, which was done in an elaborate report drawn up by himself, presenting a valuable document for the future historian.

The taking of Washington was the termination of success on the part of the enemy. From that moment, defeat attended all their movements. Col. Johnson had never for a moment doubted the ultimate result of an appeal to arms ; and now that success was evidently attendant on all our efforts, he did not in the least degree relax his exertions to

bring the war to a speedy and successful termination. Ministers at Ghent in Flanders, were engaged in negotiations for peace; but no certain issue could be predicted, and Col. Johnson acted uniformly upon the principle which he had prescribed to himself as the most safe, never to make any calculation but for the most vigorous prosecution of the war, till peace should be actually proclaimed. He had brought forward in Congress a proposition for the employment of volunteer militia, to an indefinite amount, for carrying on the war with the greatest possible vigor in the territory of the enemy; which, had the war continued, would probably have dismembered the British empire of at least one of its American provinces before the close of another campaign; and at the same time given to the world farther demonstration of his military prowess. But while this measure was maturing, in February 1815, peace was proclaimed.

Nothing remained important to be done during this session, but to fix the military peace establishment in providing for the disbanding of the army. On this point, a great diversity of opinion existed in Congress and in the nation. At the commencement of the war the nation was without an organized army: its conclusion witnessed the possession of a highly disciplined and effective one. The policy of disbanding the great body of this army, which had been raised and instructed in the art of war at such great sa-

crifice, was doubted by many. On the other hand, it was urged, that a large army in time of peace was not a sure defence against the danger which another war would bring; that it would present a strong obstacle to the restoration of the national credit, by continual pressure upon its pecuniary resources, and at the same time prevent the most effectual means of protection, by absorbing the funds which might otherwise be appropriated to fortifications and other permanent measures of defence. Col. Johnson was found among those who supported the latter proposition, and gave his vote for a reduction of the army to the smallest number proposed, which was six thousand. The policy which he advocated, was to restore public credit by replenishing the treasury—to encourage patriotic sacrifices in future emergencies, by a righteous remuneration for the past—to prepare for future ruptures by a gradual increase of the navy, by fortifications, by procuring ample supplies of imperishable munitions—and to retain no greater military force than was necessary to keep these munitions in a proper condition for use, and to preserve the practical knowledge of military science. This policy has at length fully prevailed; and the whole nation seems now convinced of its wisdom.

Having determined the policy which should regulate his future legislative acts, he never deviated from it. For all these measures, which have at length so happily prevailed, he never failed to



give his vote ; and to his support their success is in no small degree to be ascribed. Nor is it a small part of his felicity, that this policy, in many respects, was most congenial to the liberality of his soul. The war had deprived many families of their guardians ; and when the return of peace brought joy and gladness to the abodes of freedom, that joy was damped by the tears of the widow—that gladness was interrupted by the orphan's cry. But the widow and the orphan found in Col. Johnson a substantial friend. If he had braved the dangers of the field for their protection ; if he had mingled his blood with that of their dying husbands and fathers, his generous heart was now as ready to mingle its sympathies with them in their sorrows ; and that hand which had dealt out destruction to their enemies was now employed to wipe their tears. ' He took a leading part in all those measures which were adopted by congress to provide pensions for the widows and children of those who had perished in the war, and to make remuneration for property sacrificed in the country's cause. These measures have done more honor to the nation than all the victories which were gained—they have effectually rebutted the calumny of ingratitude, which has been poured upon republics with such a lavish hand. They were originated by Col. Johnson ; and by his persevering support, they were carried through. Their wisdom was doubted by some, lest they should impoverish the nation ; but he regarded

them as acts of justice and never doubted that justice is the foundation of true wisdom, and the most permanent rock of safety on which a nation can establish its policy. He always rejoiced in national prosperity ; but was never desirous of a splendid fabric, cemented by the orphan's groan or the widow's tear. He pleaded their cause in the national council, with the eloquence of feeling—an eloquence which the hearts of the brave could not withstand—success attended his efforts, and upon his head rests the blessing of the widow and the fatherless.

With equal success he advocated the measure which was brought forward to provide for the indigent survivors of the soldiers of the revolution. In a speech which he delivered on that occasion, he broke out in a strain of eloquence which deeply affected every heart, and drew the tear of commiseration from many an eye. As he concluded, a statesman was heard to say “that speech will cost the nation a million of dollars.” But the money was not lost to the nation. It was applied to the payment of a debt of gratitude; and without diminishing the nation's wealth, to felicitate the declining years of those to whom the nation, under the direction of Divine Providence, owes its existence.

No trait is more prominent in the character of Col. Johnson than his untiring industry. He never defers what can be done at the present moment. The dull delays which are common to deliberate bodies, had become so habitual to Congress, that a pro-

tracted session would close, and leave much important business unfinished. To remedy this evil he conceived the expedient of providing by law for compensating members of Congress by an annual stipend in lieu of the compensation *per diem*, the method which had always before been observed. After advising with several others upon the subject, he brought forward in the House of Representatives, the proposition, which passed both Houses of Congress, providing that the annual compensation to each Representative and Senator should be \$1500, without regard to the period of each session. This law was passed in December 1815; and from the general excitement which it produced, obtained the name of *the celebrated compensation law*. It produced the effect contemplated by its mover; for before the close of that session, Congress disposed of every subject before them, and, for the first time since the formation of the government, adjourned without having any unfinished business. But the measure was not approved by the great mass of the American people. This was the first, and the only act of Col. Johnson's political life that gave displeasure to his constituents. His sole object was the accomplishment of the public business, and the effect justified his expectation in this point; but complaint ran through the country, of the prodigality of Congress in lining their own purses from the public treasury. No person who knew the liberality of Col. Johnson, suspected for a moment

that parsimonious motives actuated him; but he was the father of the measure, and it was unpopular. The excitement, though in a great degree artificial, was strong and general. On this occasion, the fairest opportunity that had ever occurred presented itself to effect his political overthrow. A cloud for a moment gathered over him, and threatened his defeat. At the ensuing election, a candidate was brought forward to oppose him whose talents were highly respectable, and to whose political principles no exception could be taken. Many, who had on all former occasions given him their cordial support, now for the moment forsook him. He met the question with his usual firmness, and openly discussed it with his opponent at every election poll in his district. On one of these occasions, finding himself in the midst of those who disapproved the measure, though most of them had been his companions in danger, and were reluctant to abandon him, he exclaimed, while addressing them, "Admitting this measure to be as injurious as some represent it; if you owned a rifle which had never missed fire—if with it, you had shot a hundred deer and twenty of your country's enemies—but on one unfortunate occasion it should miss fire would you throw it away? or would you pick the flint and try it again?" "Stop there;" interrupted a veteran warrior, "stop there—Do you admit it to be a snap?" "A snap," answered the Colonel. "Then," replied he, amid the shouts of the people,—“then we will

pick the flint and try the old rifle again." Here the Colonel ceased, and the company in a body moved onward to the poll and gave him their vote. He was re-elected by a majority of nearly a thousand votes over his opponent. This was one of the most honorable triumphs of his life. But few who voted for the law were re-elected, and in no state did the excitement run higher than in Kentucky. Col. Johnson had been the mover of the law, and yet such was their affection for him, such their confidence in his principles and talents, that the great body of the people would not—could not forsake him. Nor did he disappoint that confidence. At the next session of Congress he brought forward the motion for its repeal; alleging as his reason, that the people whom he served were not favorable to its operation, and to their sovereign will he had ever deemed it his duty, as their representative, to bow. The law was repealed, the excitement had subsided, and he was, if possible, more than reinstated in their confidence and affections.

His re-election to Congress seems to have been a providential interference, for the political salvation of one of the greatest men of the age. Gen. Andrew Jackson, who had, with the undisciplined volunteers of the west, achieved the most brilliant victories in the war, both among the savages and over the veterans of Lord Wellington, had been subsequently employed to protect the defenceless frontier of the south against the Seminole Indians, a large and warlike tribe, lying upon the borders



of Georgia and Florida. He had completely defeated them, by pursuing them even into Pensacola, the capital of Florida, where they had fled for promised protection from the Spanish Governor, and had executed two British emissaries, who were proved to have been the prime instigators of the savages to the many cruel murders which they had committed. The conduct of Gen. Jackson in this campaign, was made a subject of Congressional inquiry, and Col. Johnson was the chairman of the committee to whom it was referred. It was generally conceded that Gen. Jackson's operations were of the most salutary effect, and that no other cause could have proved permanently beneficial. The Indians had but an artificial line to cross to enter the Spanish territory, where protection was afforded them; and without invading that territory, nothing effectual could be done. But its legality was questioned by some. The instigators of the savages were not American citizens, and the legal right to punish them was also denied by many. The committee, after an investigation of the documents in this case, determined, by a majority of their number, to report against Gen. Jackson. In this decision Col. Johnson did not concur, and refused to draw up, or present their report. While another member of the committee was doing this, Col. Johnson prepared a counter report, giving a luminous view of the whole subject, and shewing facts, which led to the irresistible conclusion, that Gen. Jackson's con-

duct was not worthy of censure. This document is unquestionably among the ablest state papers which the archives of the nation can boast. When the report of the committee was presented to the house of representatives, this counter report was presented by Col. Johnson, who moved that it should be received as a substitute for that of the majority of the committee. The ability with which it was drawn, the perspicuous light in which the subject was exhibited, and the conclusion to which it so naturally conducted the mind, were obvious to the great majority of the house. A discussion ensued, which brought forth the ablest talents of the nation. Mr. Clay, then the presiding officer of the house, and whose eloquence was unrivalled, took the lead in opposition to Gen. Jackson, and Col. Johnson took the lead in his support. The eloquence of Clay was more than counterbalanced by the strength of argument, and pathetic appeal to the heart by Col. Johnson. The counter report was sustained by the house, and by a considerable majority adapted as a substitute for that which the committee had reported. This was among the happiest acts of Col. Johnson's life. By his laborious research and persevering attention, the subject was so presented as to shew to the house the true character of the General's measures; and to this act, under the providence of Heaven, the nation is indebted for the preservation of that great man's reputation from a shade which might forever have obscured his virtues and his fame.

During this session Col. Johnson, wearied with the turmoils of public life, resolved upon retirement. He saw his country prosperous and happy; her character respected abroad, and the great principles of liberty and independence established upon a basis which promised perpetuity. His labors had been unremitted, and his course singularly successful. But he had never changed. The same sentiments which had actuated him in his entrance upon public life, he was now about to carry with him into retirement.

Congress had publicly acknowledged his services in the field, and by a joint resolution of both houses, presented him a sword. He had served his constituents for twelve successive years as their representative in Congress, and voluntarily retired in 1819, honored by the whole nation, and happy in the best wishes of those who had so long sustained him.

But his own native state, of which he had become almost the idol, would not suffer him to enjoy the retirement which he sought. He was immediately selected to represent the county in which he resided in the legislature of the state, and he could not resist their call. He had but just taken his seat in the legislature, when that body elected him to the senate of the United States. This was in December, 1819, and though retirement was his object in withdrawing from the house of representatives, this renewed expression of the wishes of his fellow-citizens was not to be

resisted. He accordingly repaired to the seat of the general government, and took his seat before the close of that month; and having been subsequently unanimously re-elected, there remains a demonstration of their continued confidence.

Col. Johnson has ever considered all men by nature equal; and that in forming rules for the government of society, each member of that society is entitled to an equal voice. In the representative system, which grows out of necessity in a populous community, this principle can only be preserved by an immediate responsibility, which will check the disposition, so common in man, to exercise despotically that power which he only holds in trust. The obligation of the representative to obey the will of his constituents is therefore a settled principle with him, and ought to be regarded as a political axiom by every republican. The independent sovereignty of the individual states he has regarded as the safest repository of the people's rights, and has ever viewed with a jealous eye any act of the general government which threatened to invade that sovereignty, beyond the exercise of powers expressly delegated by the states. The federal judiciary, which is a body independent of the states and of the people, had assumed a prerogative highly dangerous to the sovereignty of the states, that of declaring their laws unconstitutional, and therefore of no force. He was of the opinion that this authority had never been delegated by the federal compact, and

safety required that it should be arrested. He therefore brought forward in the senate a proposition so to amend the constitution of the United States, as that the federal judiciary should be declared to have no power to declare that state laws were unconstitutional, without an appeal to the United States Senate, where the sovereignty of each state is equally represented, and where such questions might therefore be safely settled. This principle he defended in one of the ablest speeches that he ever delivered; and which, for clearness and soundness of argument, has seldom been equalled by any of our statesmen. An unwillingness however to touch the judiciary, which, from the prejudice derived from our British ancestors, we are taught so highly to venerate, prevented the proposition from succeeding.

His next great effort was directed to a subject, on which humanity and justice are most potent advocates; the subject of imprisonment for debt. In contemplating the legal establishment of the country, in which his mind always reverts to primitive principles, from which their present design and utility are naturally brought to view, the inquiry naturally arose, why are prisons erected? Man is fond of liberty, and nature designed him to be free. Why then should he be deprived of its enjoyment? If the safety of society requires his confinement, prisons should be built; but no man can be justly imprisoned, unless his freedom is dangerous to society. If the lion or the tiger is



exhibited to man, a cage is necessary to secure man from his ferocity. If a man is a murderer or a thief, the safety of society will justify his confinement. But is this the only use to which prisons are appropriated? No: they are the habitations of the innocent victims of misfortune. Men who may enjoy society with safety are found to constitute the most numerous class of the inhabitants of prisons. The philanthropy of Howard is celebrated and admired by all the world; and his noblest acts consist in his visiting prisons; not to encourage crime, by diminishing its punishments, but by extenuating the miseries of the unfortunate. If these were the proper objects of commiseration, and their relief justly excited the admiration of a nation, why should a nation sanction the system which rendered that commiseration necessary? Let the prison doors be unbarred, and they are relieved by their own efforts. May not the legislature of the nation, then, by one act, do more than many Howards? Thoughts like these so powerfully operated upon the mind of Col. Johnson, that he boldly ventured to encounter the long established prejudice of the world, by proposing the entire abolition of imprisonment for debt. The proposition, at first, found but few advocates. It was novel. The prejudice of ages was against it. The despotic feelings of the wealthy were against it. Every creditor, desiring authority over his debtor, was opposed to it; and the cry of the needy, who by long oppression was almost taught to

believe that oppression was righteous, seemed too feeble to be heard. But for Col. Johnson, it was always sufficient to know that misery existed; and without waiting for the supplicating cry of the wretched to penetrate his ear, he was ready to raise his voice and his hand to remove it. A deputation of Indians, visiting the interior of the states, was led by direction of the government through some of our populous cities, with the hope that, seeing the effects of civilization, they might learn its advantages, and induce their tribes to make it their choice. When looking into a prison, and inquiring the cause of the confinement of the different prisoners, they were informed that the persons in one apartment were there for debt. An aged chief shrunk back with indications of horror, exclaiming, "There is no beaver there." He left the place with disgust, denouncing the habits of the white men, because they shut one another up in prison for debt, where they could neither provide for themselves nor pay their creditors. A custom which untaught savages must reprobate because it inflicts misery without benefiting society, and renders the unfortunate more unfortunate without a solitary benefit to any, could not remain unheeded by Col. Johnson, whatever opposition his generous efforts might have to endure. He defended his proposition in a speech of considerable length; which, for strength of argument, depth of research, and perspicuity of thought, enforced by the most powerful appeal to the noblest sensibili-

ties of the heart, is seldom equaled. He commanded universal attention, and, before the close of the session, had the felicity to find that many were enlisted with him in the same cause. His speech was published through all parts of the country, and produced an excitement in favor of the measure, which the whole nation felt. He received letters from every section of the union, approbating his course and soliciting him to persevere. He entertained no hope of effecting its passage in one year. Ancient and deep rooted prejudices were to be eradicated, and much selfishness subdued. His success however exceeded his anticipation, and encouraged him to renew the proposition at the next session. He had pondered the subject well, and in another speech, not inferior to his first, he again brought to view the cause of righteousness and humanity, and exposed the principles of liberty in a manner that did equal honor to his head and heart. In the second attempt, he found more support than in the former. Some of the best statesmen and most eloquent orators in the nation united with him in support of the measure. Though yet unsuccessful, it produced a salutary effect upon the victims of misfortune. Imprisonments for debt became more seldom in the different parts of the country, and the prison bounds were extended to whole counties. The current of public opinion is evidently changing, and no doubt remains that he will be ultimately successful. The measure requires a change

which time only can produce ; and he still manifests the determination never to suffer the subject to rest, till prisons shall be used for none but culprits.

Col. Johnson, having been engaged in the war against the Indians, was led to a deep consideration of their character and condition. He has ever regarded them as the deluded instruments of their civilized allies ; and though compelled in his country's defence to draw the sword, his heart melted with pity while he punished their cruelties. As soon as the war had ended, his mind was employed in devising the most effectual method of civilizing and reforming them. He took the lead in a society which was formed for their benefit, and caused a school to be established near his own home for the instruction of their youth. The prevailing sentiment had been, that the plan of establishing schools in their own country would be most likely to effect the object ; but, on this point, Col. Johnson entertained strong doubts. Believing that, from the depravity of human nature, there is a stronger propensity in man to turn from the civilized to the savage, than from the savage to the civilized state, and having witnessed some awful examples of the fact, he entertained the opinion that, to produce the desired change, it would be necessary to bring their youth into the midst of civilized society, where example and habit would enforce the precepts which should be given them. Therefore, while he gave full support to one esta-



blishment among them, he was anxious also that trial should be made of, at least, one among the whites. The first attempt failed for want of proper aid. But his effort had given him the confidence of the Indians, and borne full conviction to their minds that he was their friend. In a treaty subsequently entered into with the Choctaws, provision was made for the annual expenditure of a considerable sum of money under the direction of government, for the education of their youth. After the ratification of the treaty, the Indians signified to the agent a desire to send their young men among the whites to be instructed, provided they might be placed under the guardianship of Col. Johnson, whom they selected, without his knowledge, as the friend of the Indians. The government acceded to their wishes; and Col. Johnson, in compliance with their solicitation, permitted the establishment to be located on his own farm. This establishment is called the Choctaw Academy. It is under the direction of a clergyman recommended by Col. Johnson, and appointed by the government. The Choctaws at first sent but a small number of their youth; but learning on trial the advantages of their situation, they have increased the number to nearly a hundred; and other Indian nations are now anxious to place their youth at the same school. It was the name of Col. Johnson which drew them there, and they all regard him as their benefactor.

If the faithful and disinterested discharge of



every trust committed to a man, returns a recompense of reward into the bosom of the philanthropist—if the alleviation of misery and the augmentation of happiness, in others, is a rich luxury to the generous mind, Col. Johnson, while loved by his friends, revered by his country, honored by the world, enjoys in his own heart the highest attainment of sublunary bliss.

## APPENDIX.

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### A SKETCH OF THE

### SPEECH OF MR. ELY MOORE,

*At the great Meeting at Masonic Hall, on the 13th March last, which recommended Col. RICHARD M. JOHNSON, as a candidate for the Vice Presidency.*

There is something cheering and peculiarly gratifying in witnessing such a unanimous, ardent, and honest expression of sentiment in behalf of *useful talent* and *exalted worth* as is manifested on this occasion. It affords a strong and consoling evidence that we are not unmindful that "closely allied to love of country is gratitude to its benefactors." And, gentlemen, it does appear to me that if there is one man more emphatically entitled to the gratitude of this nation, and one having stronger claims upon its suffrages than another, that man is Col. R. M. JOHNSON, of Kentucky. In expressing this opinion, I would not be understood as wishing to detract from the merits or pretensions of either of the respective candidates for the *Vice Presidency*—far from it. I am willing to admit that each of them has "done the state some

service." I am willing to admit they are honorable men—*all honorable men!* But when their pretensions are compared with those of the veteran statesman of the west, every candid man must admit they are altogether inferior—that they are "as dust in the balance."

No doubt we shall be assailed by those whose interest it may be to farther the views of other candidates. They, probably, will impugn our motives and misrepresent our principles, because we are unwilling to sacrifice at the shrine of *party* what we conceive to be the interest of our country. Be it so. We conceive it to be our *duty*, we *know* it to be our right as free citizens, to meet in public for the purpose of recommending to office such of our fellow citizens as we may think best qualified to serve the country. It was such an expression of public opinion that first called Gen. Washington to preside over the destinies of the Republic; and it was such an expression of public opinion that called the present Chief Magistrate to the presidential chair. And if similar means fail to elevate Col. Johnson to the Vice Presidency, it will be, either because the spirit of genuine democracy shall have departed from among us, or that a fatal lethargy shall cramp and stifle its influence.

\* \* \* \* \*

Notwithstanding every individual within the sound of my voice may be familiar with the history of Col. Johnson, yet I will take the liberty of dwelling for a few moments upon some of the most pro-

minent events of his life. Accompany me, then (in imagination), to the banks of the Thames, in Canada, where Col. Johnson first signalized himself as an officer and a soldier. \* \* \*

Seldom, indeed, do the occurrences of real life furnish a more interesting, a more animating and spirit stirring picture—one in which is so strongly marked the character of patriotism and of high souled chivalry, as was displayed in the character and conduct of Col. Johnson in that memorable battle. In that hour of peril, when the savage foe, led on by the brave and desperate Tecumseh, were pushing their way to victory, behold him rallying his little band of mounted riflemen—animating them with his own determined spirit—breathing into them the soul of heroism, and at their head dashing amidst the thickest of the battle. Behold him, when unhorsed, covered with wounds and bleeding at every pore, vigorously renew the fight; with his own determined arm roll back the tide of battle, and decide the fate of that well fought day, by despatching him who was the life and soul, the heart and head, of the Indian phalanx, and of Indian chivalry. Behold him, and his noble brother, with his two youthful but gallant sons, standing foot to foot, and hilt to hilt, with the ruthless foe—battling side by side, and dealing stroke for stroke, in their country's defence and for their country's honor! There they stood, brothers, sire and sons, firm as the deep rooted oak of their own mountain land; forming on the one hand, a rally-

ing point to the American soldier, and on the other an impenetrable rampart to the enemy. There they stood! shoulder to shoulder, staunch as did ever Spartan at the Pass, or Lacedemonian on "Old Plataea's day." When reeling, and well nigh falling from loss of blood, yet did he face his foes—brandish his mangled arm in their very teeth, and cheer his brave Kentuckians, ever and anon, with the animating cry of "onward—onward—ONWARD!"

\* \* \* \* \*

Col. JOHNSON has not only proved himself a heroic soldier, but a *profound* and *honest* statesman. He has not only won the blood stained laurel, but the civic wreath. He not only merits our esteem and admiration for breasting the battle storm—for risking his life in the deadly breach; but, also, for the firm, patriotic, and undeviating course that has marked his political life; and especially is he entitled to our love and gratitude, and to the love and gratitude of all good men,—of all who love their country,—for his able, patriotic and luminous report on the Sunday mail question. \* \* \*

I will hazard the declaration, that Col. Johnson has done more for liberal principles, for freedom of opinion, and for *pure and unadulterated democracy*, than any man in our country—by arresting the schemes of an ambitious, *irreligious* priesthood. Charge him not with hostility to the principles of religion, because he opposed the wishes and thwarted the designs of the clergy—rather say



that he has proved himself the *friend of pure religion*, by guarding it against a contaminating alliance with politics. His strong and discriminating mind detected and weighed the consequences that would result from such a measure. He sifted the projectors of this insidious and dangerous scheme, and resolved to meet them full in the face, and by means of reason and argument to convince the honest and silence the designing. The honest he did convince—the designing he did defeat, though, strange to tell, did not *silence*:—their obstinacy can only be equalled by their depravity. Their perseverance, however, can accomplish nothing, so long as the people prize their liberties, and can have access to the constitution and Johnson's Reports.

\* \* \*

I would not be understood to say that a majority of the people do not properly estimate the importance of those documents—that they do not duly appreciate their merits. I should not feel myself warranted in so doing. But I will say that, *if they do*, Col. Johnson will be our next Vice President.

That man who can contemplate the misery and degradation that have ever resulted to the many from a union of the ecclesiastical and secular powers, must be a stranger to every patriotic feeling; callous to every noble impulse, and dumb to all the emotions of gratitude, not to admire and revere, honor and support, the man who had the honesty and moral heroism to risk his popularity, by stemming the current of public prejudice; by exciting

the bigot's wrath, and provoking the vigilant and eternal hostility of a powerful sect, whose influence is felt and whose toils are spread from Maine to Florida, and from the Oregon to the Atlantic. But the same determined spirit, the same sacred love of country, that prompted Col. Johnson to face that country's open foe on the battle field, urged him with equal ardor to grapple with its secret enemies in the Senate chamber. Shall he go unrewarded? \* \* \* \*

He who considers the influence which those reports are calculated to exert over the destinies of this Republic as trifling, or of small importance, is but little acquainted with the history of the *past*, and consequently but ill qualified to judge of the *future*.

Col. Johnson had been instructed by the philosopher and faithful historian, as well as by the teachings of his own mighty mind, that "human nature is never so debased as when superstitious ignorance is armed with power."

He knew full well, that wherever the ecclesiastical and secular powers were leagued together, the fountains of justice were polluted—that the streams of righteousness were choked up, and that the eternal principles of truth and equity were banished the land—that the people were degraded—their understandings enthralled, and all their energies crushed and exhausted. He knew full well that all the evils combined, which convulse the natural world, were not so fatal to the prosperity of

a nation as religious intolerance; for even after pestilence has slain its thousands—the earthquake swallowed up its victims, and the desolating whirlwind swept the land—yet may a new and better world spring from the desolation; but when religion grasps the sword, and superstition rears her haggard form, hope has fled forever. Do you call for the evidence? The histories of Spain, of Italy, and of Portugal, are before you. They tell you these states were powerful once. What are they now? “Infants in the cradle, after ages of nonentity.” \* \* \* \*

Col. JOHNSON had not only a regard to the political, but also to the religious welfare of his country, when he drafted these Reports. He had been instructed, by the history of the past, that in proportion as a sect becomes powerful, from whatever cause, it retrogrades in piety, and advances in corruption and ambition. He was aware that the Christian religion no longer partook of the character of its founder, after the civil arm was wielded in its behalf. After it was taken into keeping by Constantine, that royal cut-throat—that anointed parricide—that baptized murderer—from that time to the present, with but few intervals, it has been wielded as a political engine, prostrating the liberties and paralyzing the energies of the nations.

We hazard but little in predicting that the Reports of the Kentucky statesman, calculated as they are to guard us from a like curse, will survive and flourish—will be read and admired—honored

and revered, by the freemen of America, when the edicts of kings and of emperors, and the creeds of councils, shall have been swept from the memory of man. \* \* \* \*

Gentlemen, we behold in Col. RICHARD M. JOHNSON a man of Roman stamp in Rome's best age. We behold in him not only the tried and invincible soldier—the dauntless asserter of the rights of conscience, but also the enlightened philanthropist and righteous legislator, as is abundantly evident from his recent and masterly Report on the subject of *Imprisonment for Debt*. \* \*

Ever actuated by the principles of patriotism and honor, as well as by the feelings of humanity, this great and good man is constantly toiling, by day and by night, in season and out of season, for his country's good and for his country's glory. And, gentlemen, that country will not only prove itself ungrateful to its benefactor, but unfaithful to itself, yea, reckless of its own best interests, if it neglects to reward services so important, merit so transcendent.

22d CONGRESS, } Rep. No. 194. { HO. OF REPS.  
1st Session.

## ABOLISH IMPRISONMENT FOR DEBT.

JANUARY 17, 1832.

Mr. R. M. JOHNSON, from the Select Committee to which the subject had been referred, made the following

### REPORT:

*The Committee, to whom was referred so much of the message of the President of the United States, as respects Imprisonment for Debt, report:*

That, acting under a constitution of limited powers, delegated by the people of the several States, an act of Congress to *abolish imprisonment for debt*, can have effect only in cases belonging to the federal courts. The primary and only legitimate object of Government is to secure to each individual the enjoyment of life, liberty, and the pursuit of happiness. These cannot be forfeited without crime. It is essential to the preservation of liberty, that crime should be defined, and its punishment determined by law. To protect the citizen from acts of tyranny, the constitution secures, in all cases, to the accused, the right of trial by an impartial jury. The violation of this prin-



ciple is the essence of despotism. If insolvency is fraud, and if that fraud is a crime which justly deprives the insolvent of his liberty, the law should define it as such, and fix its punishment. The trial should be, like that of other crimes, by an impartial jury, in the State and district where the crime is committed; and the punishment should be pronounced by the court, subject, as in other convictions, to the pardoning power, in the discretion of the Executive. In the punishment of debtors all these sacred principles are subverted. The citizen is deprived of his liberty, without the accusation of a crime, without a criminal prosecution, and without a jury to decide upon his guilt; and his punishment is submitted to the sole discretion of an individual creditor.

In all the catalogue of human crimes, there is none which more imperiously requires definition, than that of fraud. To punish a crime which is not well defined by law, is always more injurious to society, because of the abuse of power to which it subjects the accused, than to suffer it with impunity. Why does not the law define and punish ingratitude, a crime which is marked with universal execration? Because of the difficulty of giving to it such a precise definition as would separate the innocent from the guilty. By omitting to punish this vice, we avoid a greater evil. So, in abolishing imprisonment for debt, absolutely and without condition or reservation, we shall avoid an evil infinitely greater than can be obviated by

any restriction. Our constitution denounces privileged orders. The warning voice of history, bearing, like peals of thunder, the cries of the oppressed from ancient and modern nations, where these orders have existed, and still exist, demanded this security for the citizens of our own country. But to give to the creditor, in any case whatever, power over the body of his debtor, is a violation of this principle. It subjects the liberty of the great mass of our most useful, because most enterprising and industrious, citizens, to the caprice, the vengeance, or forbearance, of the wealthy and the more fortunate. Why do we reprobate the act which crowded so many human beings in the black hole of Calcutta, where mortal pestilence was inhaled from the infected atmosphere? Because it was an act of cruelty; and it is the same abhorrence that elicits this popular cry, which has become almost universal against imprisonment for debt.

Yet legislators, the majority of whom have generally been of the wealthier class, or at least free from pecuniary difficulties, have so complicated the system that it has become involved in a labyrinth of mystery; and to secure its existence they have surrounded it with such dark suspicions of fraud, that the subject can scarcely be approached without embarrassment. Thus, like all other systems of despotism, it has imposed on the minds of men, with some shadow of plausibility, the idea of necessity; till, by long habit, they have gradually become, in some degree, reconciled to the oppres-

sion. The victim is cut off from society ; and because he pines in solitude, where his miseries are not seen, nor his complaints heard, his case is passed over, as an instance of individual misfortune, for which there is no remedy, and which is scarcely worthy of observation. But if all of these victims of oppression were presented to our view in one congregated mass, with all the train of wives, children, and friends, involved in the same ruin, they would exhibit a spectacle, at which humanity would shudder. It was a remark of one of the sages of antiquity, that the best government is that *where* an injury to one citizen is resented as an injury to the whole. *Here*, in our own free and happy country, many thousands of our fellow-citizens are suffering annually the deepest injury. Children are deprived of their natural guardians, families of their support, and freemen of their liberty, by a remnant of barbarism, which requires nothing but the voice of legislation to blot it out for ever. From the earliest dawn of civilization, it has been a subject of the severest censure, and of the most unqualified denunciation.

But history teaches us that men, accustomed to bondage, may contract a fondness for the chains that bind them. The subjects of monarchs become attached to their aristocratic establishments; and are hardly persuaded to forego the splendors of royalty, for the simplicity of republican government. So in relation to this vestige of despotism amongst us; the most obstinate prejudices are en-

listed in its favor, sustained by all the cupidity of sordid minds. The injustice and cruelty of the system are generally conceded; but the wisest heads and purest hearts have found some insurmountable difficulty in devising a remedy, which will at once eradicate the evil, and guard against imaginary dangers, that the preservation of personal liberty must be regarded as hopeless, upon any other principle than that of the total and absolute abolition of imprisonment for debt. For ages past, the common rights of humanity have been violated upon the pretext that, in some cases, fraud may exist, and to such a degree as may justly deprive a citizen of his liberty. The committee are aware that such cases may exist; but can there be no other remedy provided than that of submitting it to the arbitrary will of the creditor, to punish at discretion the innocent and the guilty? Shall ninety-nine innocent victims of misfortune be cut off from their families and the world, that one fraudulent debtor may be punished without trial, and without proof of guilt? It is inconsistent with the whole spirit of our institutions, to urge, as arguments in favor of the system, that creditors are seldom vindictive against honest debtors; or that fraudulent debtors are more numerous than cruel creditors; or that public sentiment will correct the disposition to act with severity.

The acts are often the reverse. Creditors are often relentless. It is doubtful whether fraud is not as common on the part of the creditor, as on

that of the debtor (*and cruelty more common than either*); and public sentiment has but little influence over an avaricious mind. The system originated in cupidity. It is a confirmation of power in the few against the many; the fortunate against the unfortunate; the Patrician against the Plebian; and it is doubtful whether that civilized community ever existed, which would tolerate this system, if the sentiments of all could be known and faithfully represented. But we learn, from long habit, to endure, and even to advocate, what becomes most execrable to us when the fetter is broken. So long as a solitary benefit is known to result from any established custom, however oppressive or absurd in its general tendency, still there is a reluctance to change. The Spanish Inquisition, now the abhorrence of all enlightened minds, was long sustained in many countries, by the tyrant's plea of *necessity* for restraining vice; and its cruelties were long tolerated, upon the principle that some solitary benefit might result. Even in this country, and to the present day, the force of ancient prejudice is so strong that persons are found who are fearful for the interest of religion, if undefined and unprotected by legislative acts; and, in support of the principle, some instance may be cited, in which this interference may have restrained licentiousness. In the burning a thousand heretics, the world may have been delivered from one dangerous citizen. In the destruction of a thousand sorcerers, convicted of



witchcraft, one knave may have perished. The benefit of clergy, which secured from capital punishment, for petty offences, all who could read and write, while the more ignorant were doomed to death for the same crimes, may have saved *some* useful lives, when a milder and more equitable administration of justice would have saved *many*. A despot, clothed with unlimited power, governing without law, may have punished some offenders, who would have escaped under our republican institutions.

All these cruelties have been legalized; and while bleeding humanity was sinking under the burthen of oppression, the few instances of apparent benefit sustained the whole system of tyranny; and the world became so reconciled to the bondage, that every reformation has been effected by violence, and toil, and blood. Of a similar character is this remaining vestage of barbarity, which dooms the victim of misfortune to the culprit's destiny. It is sustained upon the same principle. In the imprisonment of a hundred debtors, one may have deserved the punishment for fraud; and in this solitary case of just retribution, the cries of the ninety-nine innocent sufferers are unheard or unregarded. The obligation of a contract is sacred. The committee would not recommend a measure calculated to impair it. The property of the debtor is made liable for its discharge, in all well regulated societies, with such reservations as are deemed necessary by the sovereign power,

such as giving immediate relief to the wife and children, together with such implements as will enable the husbandman and mechanic to pursue their useful vocations. These reservatons were made in the early ages of the Grecian Republics; and the principle has been held sacred by municipal law, by common law, by civil law. It is a regulation which the prosperity of the commonwealth requires, because industry is the life of the country.

A nation may exist without professional men, without a monied capital; but it cannot exist, in a civilized state, without agriculturalists and artizans. But it is of little avail to reserve their implements of labor, and imprison their persons. The State sustains a loss, the families are ruined, and the creditors are not benefitted. When the effects of the debtor are exhausted, and his debts remain unliquidated, the world has been divided in sentiment as to the extent of a pecuniary obligation against the personal liberty of the debtor. In ancient Greece, the power of creditors over the persons of their debtors was absolute; and, as in all cases where despotic control is tolerated, their rapacity was boundless. They compelled the insolvent debtors to cultivate their lands like cattle, to perform the service of beasts of burthen, and to transfer to them their sons and daughters, whom they exported as slaves to foreign countries.

These acts of cruelty were tolerated in Athens during her more barbarous state, and in perfect

consonance with the character of a people, who could elevate a Draco, and bow to his mandates registered in blood. But the wisdom of Solon corrected the evil. Athens felt the benefit of the reform, and the pen of the historian has recorded the name of her lawgiver, as the benefactor of man. In ancient Rome, the condition of the unfortunate poor was still more abject. The cruelty of the Twelve Tables against insolvent debtors, should be held up as a beacon of warning to all modern nations. After judgment was obtained, thirty days of grace were allowed, before a Roman was delivered into the power of his creditor. After this period, he was retained in a private prison, with twelve ounces of rice for his daily sustenance. He might be bound with a chain of fifteen pounds weight; and his misery was three times exposed in the market place, to excite the compassion of his friends. At the expiration of sixty days, the debt was discharged by the loss of liberty or life. The insolvent debtor was either put to death, or sold in foreign slavery beyond the Tiber. But if several creditors were alike obstinate and unrelenting, they might legally dismember his body and satiate their revenge by this horrid partition. Though the refinements of modern criticisms have endeavored to divest this ancient cruelty of its horrors, the faithful Gibbon, who is not remarkable for his partiality to the poorer class, preferring the liberal sense of antiquity, draws this dark picture of the effect of giving the creditor power

over the person of the debtor. No sooner was the Roman Empire subverted, than the delusion of Roman perfection began to vanish; and then the absurdity and cruelty of this system began to be exploded: a system which convulsed Greece and Rome, and filled the world with misery; and without one redeeming benefit could no longer be endured; and, to the honor of humanity, for about one thousand years during the middle ages, imprisonment for debt was generally abolished. They seemed to have understood what, in more modern times, we are less ready to comprehend—that power, in any degree, over the person of the debtor, is the same in principle, varying only in degree, whether it be to imprison, to enslave, to brand, to dismember, or to divide his body. But as the lapse of time removed to a great distance the cruelties which had been suffered, the cupidity of the affluent found means again to introduce the system; but by such slow gradations, that the unsuspecting poor were scarcely conscious of the change. The history of English jurisprudence furnishes the remarkable fact, that, for many centuries, personal liberty could not be violated for debt. Property alone could be taken to satisfy a pecuniary demand. It was not until the reign of Henry III., in the thirteenth century, that the principle of imprisonment for debt was recognized in the land of our ancestors, and that was in favor of the barons alone; the nobility against their bailiffs, who had received their rents, and had ap-



propriated them to their own use. Here was the shadow of a pretext. The great objection to the punishment was, that it was inflicted at the pleasure of the baron *without* a trial—an evil incident to aristocracies, but obnoxious to republics. The courts, under the pretext of imputed crime, or constructive violence on the part of the debtor, soon began to extend the principle, but without legislative sanction. In the eleventh year of the reign of Edward I., the immediate successor of Henry, the right of imprisoning debtors was extended to merchants—Jewish merchants excepted, on account of their heterodoxy in religion—and was exercised with great severity. This extension was an act of policy on the part of the monarch. The ascendancy obtained by the barons menaced the power of the throne; and, to counteract their influence, the merchants, a numerous and wealthy class, were selected by the monarch, and invested with the same authority over their debtors. But England was not yet prepared for the yoke. She could endure a hereditary nobility; she could tolerate a monarchy; but she could not yet resign her unfortunate sons, indiscriminately, to the prison. The barons and the merchants had gained the power over their victims; yet more than sixty years elapsed, before Parliament dared to venture another act, recognizing the principle. During this period, imprisonment for debt had, in some degree, lost its novelty. The incarceration of the debtor began to make the impression, that fraud,



and not misfortune, had brought on his catastrophe, and that he was, therefore, unworthy of the protection of the law, and too degraded for the society of the world. Parliament then ventured, in the reign of Edward III., in the fourteenth century, to extend the principle to two other cases—debt and detainue. This measure opened the door for impositions which were gradually introduced by judicial usurpation, and have resulted in the most cruel oppression. Parliament, for one hundred and fifty years afterwards, did not venture to outrage the sentiments of an injured and indignant people, by extending the power to ordinary creditors. But they had laid the foundation, and an irresponsible judiciary reared the superstructure. From the twenty-fourth year of the reign of Edward III., to the nineteenth of Henry VIII., the subject slumbered in Parliament. In the mean time, all the ingenuity of the court was employed, by the introduction of artificial forms and legal fictions, to extend the power of imprisonment for debt in cases not provided for by statute. The jurisdiction of the court called the King's bench, extended to all crimes or disturbances against the peace. Under this court of criminal jurisdiction, the debtor was arrested by what was called the writ of Middlesex, upon a supposed trespass or outrage against the peace and dignity of the crown. Thus, by a fictitious construction, the person who owed his neighbor was supposed to be, what every one knew him not to be, a violator of the peace,

and an offender against the dignity of the crown; and while his body was held in custody for this crime, he was proceeded against in a civil action, for which he was not liable to arrest under statute. The jurisdiction of the court of common pleas, extended to civil actions arising between individuals upon private transactions. To sustain its importance upon a scale equal with that of its rival, this court also adopted its fictions, and extended its power upon artificial construction, quite as far beyond its statutory prerogative; and upon the fictitious plea of trespass, constituting a legal supposition of outrage against the peace of the kingdom, authorized the writ of *capias*, and subsequent imprisonment, in cases where a summons only was warranted by law. The court of exchequer was designed to protect the king's revenue, and had no legal jurisdiction, except in cases of debtors to the public. The ingenuity of this court found means to extend its jurisdiction to all cases of debt between individuals, upon the fictitious plea that the plaintiff, who instituted the suit, was a debtor to the king, and rendered the less able to discharge the debt by the default of the defendant. Upon this artificial pretext, that the defendant was debtor to the king's debtor, the court of exchequer, to secure the king's revenue, usurped the power of arraigning and imprisoning debtors of every description. Thus, these rival courts, each ambitious to sustain its relative importance, and extend its jurisdiction, introduced, as legal facts, the most pal-

pable fictions, and sustained the most absurd solicisms as legal syllogisms.

Where the person of the debtor was, by statute, held sacred, the courts devised the means of construing the demand of a debt into the supposition of a crime, for which he was subject to arrest on mesne process; and the evidence of debt, into the conviction of a crime against the peace of the kingdom, for which he was deprived of his liberty at the pleasure of the offended party. These practices of the courts obtained by regular gradation. Each act of usurpation was a precedent for similar outrages, until the system became general, and at length received the sanction of Parliament. The spirit of avarice finally gained a complete triumph over personal liberty. The sacred claims of misfortune were disregarded; and, to the iron grasp of poverty, were added, the degradation of infamy, and the misery of the dungeon.

Parliament appeared sometimes to relent, and made several efforts to correct the abuses; but the influence of creditors, and the power of the courts, were too formidable for Parliament itself; and while a vestage of the system remains, the oppression will never terminate. The time was, when personal liberty in England was so highly valued, that before the institution of a suit against an individual, the plaintiff was required to give real and responsible pledges, to prosecute the suit with effect; and if the action proved to be groundless, or malicious, he was subjected to damages. But ultimately, the courts, without the authority of sta-

tute, broke this common law barrier against oppression, and for real pledges substituted fictitious names, as *John Doe and Richard Roe*; while, upon the mere suggestion or oath of the plaintiff, the defendant may be arrested and imprisoned, before the debt is proven; unless he can procure bail for his appearance. Thus was the whole artifice of the learned benches of England, with all the authority of the aristocracy, employed for centuries to introduce, by the most gradual measures, imprisonment for debt, even before a people, accustomed to all the abuses of hereditary power, could be brought under its control. But when it was established, our ancestors, with the whole system of British jurisprudence, brought it with them to this new world. It has been long endured and its miseries have been extensively felt. It is this day depriving our country of the industry of many of her citizens, and carrying distress into their numerous families. But there is evidently a spirit of reformation awakened in the public mind, and the redeeming voice of the people demands the change.

Public sentiment, like the general tendency of our laws, is in favor of the unfortunate debtor. It speaks for liberty, and gives it an estimate above the value of gold. If there is a country on earth, in which personal liberty has a claim to the protection of the law, paramount to every other claim, it is found on these western shores. But while the body, *under any circumstances*, is liable to ar-



rest on mense process, or after judgment is obtained, whether to coerce a surrender of property, or to punish for real insolvency, there is no security for liberty. Till the destinies of fortune shall be subject to human control, no citizen, however meritorious, is certain to close his days without being immured in the walls of a prison. If stolen goods are secreted, the oath of suspicion is necessary to procure a search warrant; and then the person suspected is free from arrest, till the property is found in his possession. But in case of debt, the person is liable to be arrested and to be held in custody, even under the mildest insolvent laws, till the debtor shall, on oath, make a surrender of his effects. The plea of necessary coercion furnishes a poor apology. Man, held in confinement one hour, by the lawful authority of his fellow-citizens, is degraded in the estimation of society, and is liable to lose respect for himself. The spirit of freedom, which achieved, and which still sustains our independence, is broken; and he often sinks into a state of ruinous despondency—or is urged on to acts of desperation. The only safe course is, to destroy the *capias ad satisfaciendum*, the writ which takes the body upon a judgment, and as experience may point the necessity of other measures to secure the surrender of the property, time will perfect them. The power of the State Legislatures is ample, and they will not fail to provide the remedy; and the committee believe it will be most wise to leave that power with



the States. Whatever may be the theory of legislation, the true character of a system is demonstrated by its effects. If it renders society more free and happy, it should be retained: but if it augments the sufferings of the community, without producing benefits which will more than countervail the evils, it ought to be abandoned. The spurious origin of this system is not the leading point on which the committee would dwell—nor even the generous sympathies which its victims excite. Its ruinous consequences to society, without benefit even to the creditor, show the necessity of its abolition.

The power of the creditor is generally exerted under feelings of irritation, and to satiate a spirit of revenge. The American citizen, who has bled for his country, or whose penury has resulted from his father's sacrifices in the cause of independence, is reduced to a condition in which he cannot meet, with punctuality, the claims against him. What is the consequence? From that moment his liberty is forfeited to the discretion of his creditor. His patriotism, his integrity of character, avail him nothing. If he is permitted, in his daily exercise, to pass the bounds of a prison wall, it is by the forbearance of another. He is liable to be held in degrading custody, even under the mildest laws of insolvency, till he shall have taken the oath prescribed; and then, like the culprit who has received punishment for his crime, he is discharged from prison. This is the liberty which Americans

enjoy, under the system of imprisonment for debt. Even the illustrious Jefferson, that patriarch of liberty, and the virtuous and patriotic Monroe, whose lives were devoted to their country in its darkest hours, enjoyed their freedom, during the shades of retirement, not by the protection of the law, but by the forbearance of their creditors. A citizen cannot, by contract, consign himself to bondage. He may fix his signet to the indenture, that purports to bind him, but the law will break the fetter. A man may forfeit his liberty by the commission of crime; the safety of society may require that he shall be locked out from the world; but the debtor is not convicted of a crime: his liberty is not dangerous to society; yet, by technical implication, he may be consigned to prison.

The slave, while he toils for his master, contributes to the nation's wealth, and to the benefit of society. The resources of a nation consist principally in the industry of its citizens; and labour, by whatever hands performed, is a contribution to the public weal. But he who pines a day in prison, drags out that portion of his life in useless indolence; starving in misery, or living upon another's labor, while society is deprived of his own. The miseries of the debtor's prison present a picture of wretchedness which fancy could scarcely draw. These miseries are not confined to the prisoner's cell. They extend, in all their horror, to the humble dwelling of his family. The broken-hearted wife, surrounded with helpless, suffering children,

weeping for the return of an affectionate father, innocent and ignorant of the fell destiny which dooms them to a state of untimely orphanage, is driven to despondency, and sometimes to acts of infamy. Nor is the evil obviated by the argument that the mildness of the insolvent laws furnishes an easy release from confinement. The moment a citizen enters a prison, at the command of his fellow-citizen, his mind is humbled; and the principle is the same, whatever may be the duration, whether it can deprive him of his liberty for a day, a month, a year, or three score years and ten. Notwithstanding all the boasting of the mildness of our insolvent laws, our jails are crowded with debtors—thousands are annually imprisoned for debt in these United States. These facts amply demonstrate that the existing insolvent laws do not furnish a remedy for the evil. It must be eradicated by an entire and total abolition.

In the courts of the United States, no security can be demanded against groundless or malicious actions, except the legal costs of suit. But by general practice under the laws, the simple affidavit of the plaintiff that the defendant is indebted to him, is sufficient to consign the defendant to prison, unless some responsible person will befriend him by becoming his bail. He is not required to state that the obligation was incurred by false pretences, nor that the defendant was suspected of an intention to secret his property, or to withdraw his person, or to entertain any fraudulent design. Nothing is

required but the plaintiff's oath of debt, to place the liberty of the defendant beyond the protection of law, and subject him to the favor of an individual to save him from prison. It is difficult to ascertain any fixed principle upon which imprisonment for debt is advocated. It is regarded by some as a punishment for a crime; by others, a mode of coercion; by some, a fulfilment of an implied contract; by others, again, a matter of public policy. If it is a crime, the object of punishment should be the reformation of the offender, and the prevention of future offences. An offence is against society; the guilt of the offender should be ascertained by a jury; the penalty should be fixed by law, according to the degree of guilt, and pronounced by the court without consulting the pleasure of an individual. (But in imprisonment for debt, there is no reformation.) Society is not disturbed by a criminal act. No guilt is imputed to the debtor. The law furnishes no penalty. The court pronounces no sentence. There are no grades of offence. All is left to the discretion of an individual, and the law operates indiscriminately upon the fraudulent and unfortunate. If it be a means of coercion, it is inefficacious. It cannot compel the honest man to pay what he has no means of paying. It places him beyond the possibility of procuring those means. The dishonest man will devise a method of placing his property beyond the reach of his creditors, by preparing himself in anticipation of the result. He will triumph in the impotence



of the laws. The innocent are always degraded, and often ruined, while the guilty escape the punishment which their crimes deserve. It is not the fulfilment of a contract. No fair construction, even under all the fictions of law, can justify the conclusion that a debtor agrees to forfeit his personal liberty to the will of his creditor. The debtor, as a citizen and free man, is in all respects equal to his creditor. No contract could deprive him of personal independence; and in contracting a debt, he has no intention to compromise his freedom. A contract upon such a principal, would be void, both in law and in equity. In contracting a debt there is a mutual agreement between the parties, in which both are interested. If a loan, it is for usury; if a sale, it is for profit; if an act of friendship, gratitude is the safest pledge for its return, when circumstances will permit. But in all cases, the ability of the debtor, from the *property* which he holds, or may acquire, is the only proper means of payment; and it is the only legitimate resource which the creditor can honorably and lawfully anticipate. If his object is to obtain power over the liberty of the debtor, it is dark, designing, dishonorable in the extreme, and utterly unworthy the sanction of law. If his dependence is upon the friends of the debtor, by exciting their commiseration, through cruelty, it deserves public reprobation. Lord Mansfield justly observes, if any near relation is induced to pay the debt for the insolvent to keep him out of prison, it is taking an unfair advantage. No credit is de-



sirable in a free country, predicated upon the imprisonment of the debtor, and it ought not to be granted upon such considerations.

In a country without a uniform bankrupt law, the cruelty of the system is beyond the endurance of freemen. As a matter of policy, the committee cannot discover either the wisdom or the justice of the system. To oppress the poor may well enough consist with the policy of despots; but to an American citizen, whose birthright is liberty, it must be odious. The wealth and prosperity of a nation, the comforts of society, and the happiness of families, depend upon active industry, combined with well directed enterprise. Our laws and institutions recognize no classes. Farmers, mechanics, merchants, professional men, and the capitalist, are all peers. The revolutions in property, and distinctions resulting from industry, virtue, and talent alone, are as certain as the revolutions of the seasons. They cannot be perpetuated in one family, nor excluded from another. The poor may become wealthy, and the rich poor.

The prospect of success invigorates the hand of industry, and gives them impetus to the noblest enterprise. To these exertions, every encouragement should be given; but when the cloud of misfortune lowers, to consign its victim to the prison, is to blast his future prospects, and to fix upon his family the mark of degradation. To maintain that confidence which is necessary to a fair and reasonable credit, effectual remedies should be

provided against the property of the debtor, always reserving from execution such articles as are necessary for the pursuit of his calling; but that he may retain the spirit of useful enterprise, for the benefit of both his family and the community, those reservations should be carefully guarded, and the freedom of his person always secured. It cannot be denied that great calamities, both public and private, have arisen from too much credit—seldom or never, from too little; and it is equally certain that the excess of credit as frequently proceeds from him who gives, as from him who receives it.

If imprisonment for debt shall be totally abolished, the parties will understand the proper legitimate resource for the fulfilment of a contract. It will then rest upon its proper basis. The person granting credit will confide in the ability of the debtor to meet the claim, or he will require satisfactory pledges. Whatever censure may attach to the abuse of credit, it is but just to divide it between them. It is frequently as injurious to the one as to the other; and without the voluntary consent of both, it cannot exist. In the present state of society, the injury of the system may be seen and felt in a limited degree, and persons not accustomed to visit the abodes of misery, will scarcely be convinced of its dangerous tendency. But as population becomes more dense, the difficulty of procuring the comforts of life must be increased. Then, if the power of the creditor over the personal liberty of his debtor shall remain, it will be exercis-

ed with unrelenting severity. Though our republican forms may be preserved, their essence may be destroyed. The country will be divided into two great classes, creditors and debtors; between whom the most obstinate hostilities will exist; and, as in Greece and Rome, society may be convulsed, confidence destroyed, and liberty endangered.

We should legislate with a view to posterity; that, with our fair inheritance, we may transmit to them a harmonious system, calculated to sustain their rights, and perpetuate the blessings of freedom.

While imprisonment for debt is sanctioned the threats of the creditor are a source of perpetual distress to the dependant, friendless debtor, holding his liberty by sufferance alone. Temptations to oppression are constantly in view. The means of injustice are always at hand; and even helpless females are not exempted from the barbarous practice. In a land of liberty, enjoying in all other respects the freest and happiest government with which the world was ever blessed, it is a matter of astonishment that this cruel custom, so anomalous to all our institutions, inflicting so much misery upon society, should have been so long endured. It is at variance with the settled character of our population. Whenever objects of charity present themselves, all of our sympathies are called into action. There is scarcely a hamlet in our country, where benevolent societies do not exist—often extending their munificence to fami-

lies deprived of their support by this oppressive system. We have not only expended our treasure to enlighten the sons of the forest, but we have sought out the victims of misfortune in foreign regions. The isles of the Pacific, the burning climes of Africa, the children of wretchedness in Europe and in Asia, even the land of Palestine, have enjoyed the fruits of American benevolence, obtained by voluntary contribution, while the cries of the unfortunate debtor, among us, are unheard and unrequited. Public sentiment demands his release, but avarice pleads the cause of oppression, and prejudice rivets the chain.

The committee ask leave to report a bill.

*The following extract, taken from the Report of the Visitors and Governors of the Jail of Baltimore county, and which is appended to the Report, is the result of one county in Maryland, and under mild and humane insolvent laws.*

#### EXTRACT.

“ It appears that during the year, ending on the 26th of November 1831, 959 of our fellow-citizens have been deprived of their liberty, for this cause (imprisonment for debt), more than half of them for debts under \$10, and only thirty-four of the whole number for debts exceeding \$100. More than half have been discharged from prison, by taking the benefit of the insolvent laws, or by the creditor declining to pay maintainance money; and the

records of the prison present only eighty-one as having been discharged by paying their debts. The expense of boarding these debtors is \$1,430 41 cents, and the amount of debts paid in jail, \$466 6 cents."

"The inference we draw from this statement, is, that little money is recovered by imprisonment for debt, and that any advantages which may possibly result from the practice, are greatly overbalanced by the loss which the community suffers in being deprived of the services of its members; amounting, during the past year, to 7657 days, which would have been appropriated to productive labor, in paying for their support, while imprisoned, and in the baneful effects which imprisonment is calculated to produce on the individuals who are its subjects."

Again "number of debtors for 1 dollar, and

	less,	53
For more than 1, and less than 5,		306
more than 5, and less than 10,		219
more than 10, and less than 20,		179
more than 20, and less than 100,		168
more than 100,		34



## COL. JOHNSON'S REPORTS,

IN THE CONGRESS OF THE UNITED STATES, ON  
THE SUNDAY MAIL QUESTION.

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### FIRST REPORT.

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In the Senate of the United States, January 19, 1829, Mr. JOHNSON, of Kentucky, made the following Report:

*The Committee to whom was referred the several Petitions on the subject of Mails, on the Sabbath, or first day of the week, report—*

That some respite is required from the ordinary vocations of life, is an established principle, sanctioned by the usages of all nations, whether Christian or Pagan. One day in seven has also been determined upon as the proportion of time; and, in conformity with the wishes of a great majority of the citizens of this country, the first day of the week, commonly called Sunday, has been set apart to that object. The principle has received the sanction of the national legislature, so far as to admit a suspension of all public business on that day, except in cases of absolute necessity, or of great public utility. This principle the committee would not wish to disturb. If kept within its legitimate sphere of action, no injury can result from its observance. It should, however, be kept in mind, that the proper object of government is to protect all persons in the enjoyment of their religious as well as civil rights; and not to determine for any, whether they shall esteem one day above another, or esteem all days alike holy.

We are aware that a variety of sentiment exists among the good citizens of this nation, on the subject of the sabbath day; and our government is designed for the protection of one, as much as of another. The Jews, who, in this country, are as free as Christians, and entitled to the same protection from the laws, derive their obligation to keep the sabbath day from the fourth commandment of the decalogue, and, in conformity with that injunction, pay religious homage to the seventh day of the week, which we call Satur-

day. One denomination of Christians among us, justly celebrated for their piety, and certainly as good citizens as any other class, agree with the Jews in the moral obligation of the sabbath, and observe the same day. There are also many Christians among us, who derive not their obligations to observe the sabbath from the decalogue, but regard the Jewish sabbath as abrogated. From the example of the apostles of Christ, they have chosen the first day of the week, instead of that set apart in the decalogue, for their religious devotions. These have generally regarded the observance of the day as a devotional exercise, and would not more readily enforce it upon others than they would enforce secret prayer or devout meditations. Urging the fact that neither their Lord, nor his disciples, though often censured by their accusers for a violation of the sabbath, ever enjoined its observance, they regard it as a subject on which every person should be fully persuaded in his own mind, and not coerce others to act on his persuasion. Many Christians, again, differ from these professing to derive their obligation to observe the sabbath from the fourth commandment of the Jewish decalogue, and bring the example of the apostles, who appear to have held their public meetings for worship on the first day of the week, as authority for so far changing the decalogue, as to substitute that day for the seventh. The Jewish government was a theocracy, which enforced religious observances; and though the committee would hope that no portion of the citizens of our country would willingly introduce a system of religious coercion in our civil institutions, the example of other nations should admonish us to watch carefully against its earliest indications.

With these different religious views, the committee are of opinion that congress cannot interfere. It is not the legitimate province of the legislature to determine what religion is true, or what false. Our government is a civil, not a religious institution. Our constitution recognizes, in every person, the right to choose his own religion, and to enjoy it freely, without molestation. Whatever may be the religious sentiments of citizens, and however variant, they are alike entitled to protection from the government, so long as they do not invade the rights of others.

The transportation of the mail on the first day of the week, it is believed, does not interfere with the rights of conscience. The petitioners for its discontinuance, appear to be actuated by a religious zeal, which may be commendable, if confined to its proper sphere; but they assume a position better suited to an ecclesiastical, than to a civil institution. They appear, in many instances, to lay it down as an axiom, that the

practice is a violation of the law of God. Should congress, in their legislative capacity, adopt the sentiment, it would establish the principle that the legislature is a proper tribunal to determine what are the laws of God.

It would involve a legislative decision in a religious controversy; and, on a point in which good citizens may honestly differ in opinion, without disturbing the peace of society, or endangering its liberties. If this principle is once introduced, it will be impossible to define its bounds. Among all the religious persecutions with which almost every page of modern history is stained, no victim ever suffered, but for the violation of what government denominated the law of God. To prevent a similar train of evils in this country, the constitution has wisely withheld from our government the power of defining the divine law. It is a right reserved to each citizen, and while he respects the equal rights of others, he cannot be held amenable to any human tribunal for his conclusions.

Extensive religious combinations, to effect a political object, are, in the opinion of the committee, always dangerous. This first effort of the kind, calls for the establishment of a principle, which, in the opinion of the committee, would lay the foundation for dangerous innovations upon the spirit of the constitution and upon the religious rights of the citizens. If admitted, it may be justly apprehended that the future measures of government will be strongly marked, if not eventually controlled, by the same influence. All religious despotism commences by combination and influence; and, when that influence begins to operate upon the political institutions of a country, the civil power soon bends under it; and the catastrophe of other nations furnishes an awful warning of the consequences.

Under the present regulations of the post office department, the rights of conscience are not invaded. Every agent enters voluntarily, and, it is presumed, conscientiously, into the discharge of his duties, without intermeddling with the conscience of another. Post offices are so regulated, as that but a small proportion of the first day of the week is required to be occupied in official business. In the transportation of the mail, on that day, no one agent is employed many hours. Religious persons enter into the business without violating their own conscience, or imposing any restraints upon others. Passengers in the mail stages are free to rest during the first day of the week, or to pursue their journeys at their own pleasure. While the mail is transported on Saturday, the Jew and the Sabbatarian may abstain from any agency in carrying it from conscientious scruples. While it is transported on the first day of the

week, another class may abstain from the same religious scruples. The obligation of government is the same to both these classes; and the committee can discover no principle on which the claims of one should be more respected than those of the other, unless it should be admitted that the consciences of the minority are less sacred than those of the majority.

It is the opinion of the committee, that the subject should be regarded simply as a question of expediency, irrespective of its religious bearing. In this light, it has, hitherto, been considered. Congress have never legislated upon the subject. It rests, as it ever has done, in the legal discretion of the postmaster general, under the repeated refusals of Congress to discontinue the sabbath mails. His knowledge and judgment, in all the concerns of that department, will not be questioned. His immense labors and assiduity have resulted in the highest improvement of every branch of his department. It is practised only on the great leading mail routes and such others as are necessary to maintain their connexion. To prevent this, would, in the opinion of the committee, be productive of immense injury, both in its commercial, political, and in its moral bearings.

The various departments of government require, frequently, in peace, always in war, the speediest intercourse with the remotest parts of the country; and one important object of the mail establishment is to furnish the greatest and most economical facilities for such intercourse. The delay of the mails one day in seven, would require the employment of special expresses, at great expense, and sometimes with great uncertainty.

The commercial, manufacturing, and agricultural interests of our country are so intimately connected, as to require a constant and most expeditious correspondence between all seaports, and between them and the most interior settlements. The delay of the mails during the Sunday, would give occasion to the employment of private expresses, to such an amount that probably ten riders would be employed where one mail stage is now running on that day; thus diverting the revenue of that department into another channel, and sinking the establishment into a state of pusillanimity, incompatible with the dignity of the government of which it is a department.

Passengers in the mail stages, if the mails are not permitted to proceed on Sunday, will be expected to spend that day at a tavern upon the road, generally under circumstances not friendly to devotion, and at an expense which many are but poorly able to encounter. To obviate these difficulties, many will employ extra carriages for their con-



veyance, and become bearers of correspondence, as more expeditious than the mail. The stage proprietors will themselves often furnish the travellers with those means of conveyance; so that the effect will ultimately be only to stop the mail, while the vehicle, which conveys it, will continue, and its passengers become the special messengers for conveying a considerable proportion of what would, otherwise, constitute the contents of the mail.

Nor can the committee discover where the system could consistently end. If the observance of holydays becomes incorporated in our institutions, shall we not forbid the movement of an army; prohibit an assault in time of war; and lay an injunction upon our naval officers to lie in the wind upon the ocean on that day? Consistency would seem to require it. Nor is it certain that we should stop here. If the principle is once established, that religion, or religious observances, shall be interwoven with our legislative acts, we must pursue it to its ultimatum. We shall, if consistent, provide for the erection of edifices for the worship of the Creator, and for the support of Christian ministers, if we believe such measures will promote the interests of Christianity. It is the settled conviction of the committee, that the only method of avoiding these consequences, with their attendant train of evils, is to adhere strictly to the spirit of the constitution, which regards the general government in no other light than that of a civil institution, wholly destitute of religious authority.

What other nations call religious toleration, we call religious rights. They are not exercised in virtue of governmental indulgence, but as rights, of which government cannot deprive any portion of her citizens, however small. Despotism may invade those rights, but justice still confirms them. Let the national legislature once perform an act which involves the decision of a religious controversy, and it will have passed its legitimate bounds. The precedent will then be established, and the foundation laid, for that usurpation of divine prerogative in this country, which has been the desolating scourge to the fairest portions of the world. Our constitution recognizes no other power than that of persuasion, for enforcing religious observances. Let the professors of Christianity recommend their religion by deeds of benevolence—by Christian meekness—by lives of temperance and holiness. Let them combine their efforts to instruct the ignorant—to relieve the widow and the orphan—to promulgate to the world the gospel of the Saviour, recommending its precepts by their habitual example: government will find its legitimate object in protecting them. It cannot oppose them, and they will not need its aid.



Their moral influence will do infinitely more to advance the true interests of religion, than any measure which they may call on congress to enact.

The petitioners do not complain of any infringement upon their own rights. They enjoy all that Christians ought to ask at the hand of any government—protection from molestation in the exercise of their religious sentiments

Resolved, That the committee be discharged from the further consideration of the subject.

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## SECOND REPORT.

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In the House of Representatives of the United States, March 4, 1830, Mr. JOHNSON, of Kentucky, made the following Report.

*The Committee on Post Offices and Post Roads, to whom the Memorials were referred for prohibiting the transportation of the Mails, and the opening of Post Offices, on Sundays, report—*

That the memorialists regard the first day of the week as a day set apart by the Creator for religious exercises; and consider the transportation of the mail, and the opening of the post offices, on that day, the violation of a religious duty, and call for a suppression of the practice. Others, by counter memorials, are known to entertain a different sentiment, believing that no one day of the week is holier than another. Others, holding the universality and immutability of the Jewish decalogue, believe in the sanctity of the seventh day of the week as a day of religious devotion; and by their memorial now before the committee, they also request that it may be set apart for religious purposes. Each has hitherto been left to the exercise of his own opinion; and it has been regarded as the proper business of government to protect all, and determine for none. But the attempt is now made to bring about a greater uniformity, at least, in practice; and, as argument has failed, the government has been called upon to interpose its authority to settle the controversy.

Congress acts under a constitution of delegated and limited powers. The committee look in vain to that instrument for a delegation of power authorizing this body to inquire and determine what part of time, or whether any, has been set apart by the Almighty for religious exercises. On the contrary, among the few prohibitions which it contains, is one that prohibits a religious test; and another which declares that congress shall pass no law respecting an esta-

blishment of religion, or prohibiting the free exercise thereof. The committee might here rest the argument, upon the ground that the question referred to them] does not come within the cognizance of congress; but the perseverance and zeal with which the memorialists pursue their object, seems to require a further elucidation of the subject. And, as the opposers of Sunday mails disclaim all intention to unite church and state, the committee do not feel disposed to impugn their motives; and whatever may be advanced in opposition to the measure, will arise from the fears entertained of its fatal tendency to the peace and happiness of the nation. The catastrophe of other nations, furnished the framers of the constitution a beacon of awful warning, and they have evinced the greatest possible care in guarding against the same evil.

The law, as it now exists, makes no distinction as to the days of the week, but it is imperative that the post masters shall attend at all reasonable hours, in every day, to perform the duties of their offices; and the post master general has given his instructions to all post masters, that, at post offices, where the mail arrives on Sunday, the office is to be kept open one hour, or more, after the arrival and assorting the mail; but in case that would interfere with the hours of public worship, the office is to be kept open for one hour after the usual time of dissolving the meeting. This liberal construction of the law does not satisfy the memorialists. But the committee believe that there is no just ground of complaint, unless it be conceded that they have controlling power over the consciences of others. If congress shall, by the authority of law, sanction the measure recommended, it would constitute a legislative decision of a religious controversy, in which even Christians themselves are at issue. However suited such a decision may be to an ecclesiastical council, it is incompatible with a republican legislature, which is purely for political, and not religious purposes.

In our individual character, we all entertain opinions, and pursue a corresponding practice, upon the subject of religion. However diversified these may be, we all harmonize as citizens, while each is willing that the other shall enjoy the same liberty which he claims for himself. But in our representative character, our individual character is lost. The individual acts for himself; the representative, for his constituents. He is chosen to represent their *political*, and not their *religious* views—to guard the rights of man; not to restrict the rights of conscience. Despots may regard their subjects as their property, and usurp the divine prerogative of prescribing their religious faith. But the history of the world furnishes the melancholy demonstra-

tion that the disposition of one man to coerce the religious homage of another, springs from an unchastened ambition, rather than a sincere devotion to any religion. The principles of our government do not recognize in the majority, any authority over the minority, except in matters which regard the conduct of man to his fellow man. A Jewish monarch, by grasping the holy censer, lost both his sceptre and his freedom; a destiny as little to be envied, may be the lot of the American people, who hold the sovereignty of power, if they, in the person of their representatives, shall attempt to unite, in the remotest degree, church and state.

From the earliest period of time, religious teachers have attained great ascendancy over the minds of the people; and in every nation, ancient or modern, whether Pagan, Mahometan, or Christian, have succeeded in the incorporation of their religious tenets with the political institutions of their country. The Persian idols, the Grecian oracles, the Roman auguries, and the modern priesthood of Europe, have all, in their turn, been the subject of popular adulation, and the agents of political deception. If the measures recommended should be adopted, it would be difficult for human sagacity to foresee how rapid would be the succession, or how numerous the train of measures which might follow, involving the dearest rights of all—the rights of conscience. It is, perhaps, fortunate for our country that the proposition should have been made at this early period, while the spirit of the revolution yet exists in full vigor. Religious zeal enlists the strongest prejudices of the human mind: and, when misdirected, excites the worst passions of our nature, under the delusive pretext of doing God service. Nothing so infuriates the heart to deeds of rapine and blood; nothing is so incessant in its toils; so persevering in its determination; so appalling in its course; or so dangerous in its consequences. The equality of rights secured by the constitution, may bid defiance to mere political tyrants: but the robe of sanctity too often glitters to deceive. The constitution regards the conscience of the Jew as sacred as that of the Christian; and gives no more authority to adopt a measure affecting the conscience of a solitary individual, than that of a whole community. That representative who would violate this principle, would lose his delegated character, and forfeit the confidence of his constituents. If congress shall declare the first day of the week holy, it will not convince the Jew nor the Sabbatarian. It will dissatisfy both; and, consequently, convert neither. Human power may extort vain sacrifices; but deity alone can command the affections of the heart. It must be recollected that in the earliest settlement of this country, the spirit of persecu-

tion which drove the pilgrims from their native home, was brought with them to their new habitations; and that some Christians were scourged, and others put to death, for no other crime than dissenting from the dogmas of their rulers.

With these facts before us, it must be a subject of deep regret that a question should be brought before congress, which involves the dearest privileges of the constitution, and even by those who enjoy its choicest blessings. *We* should all recollect that Cataline, a professed patriot, was a traitor to Rome; Arnold, a professed whig, was a traitor to America; and Judas, a professed disciple, was a traitor to his divine master.

With the exception of the United States, the whole human race, consisting, it is supposed, of eight hundred millions of rational beings, is in religious bondage; and, in reviewing the scenes of persecution which history every where presents, unless the committee could believe that the cries of the burning victim, and the flames by which he is consumed, bear to heaven a grateful incense, the conclusion is inevitable that the line cannot be too strongly drawn between church and state. If a solemn act of legislation shall, in *one* point, define the law of God, or point out to the citizen one religious duty, it may, with equal propriety, proceed to define *every* part of divine revelation; and enforce *every* religious obligation, even to the forms and ceremonies of worship; the endowment of the church, and the support of the clergy.

It was with a kiss that Judas betrayed his divine master, and we should all be admonished,—no matter what our faith may be, that the rights of conscience cannot be so successfully assailed, as under the pretext of holiness. The Christian religion made its way into the world in opposition to all human governments. Banishment, tortures, and death, were inflicted in vain to stop its progress. But many of its professors, as soon as clothed with political power, lost the meek spirit which their creed inculcates, and began to inflict on other religions, and on dissenting sects of their own religion, persecutions more aggravated than those which their own apostles had endured. The ten persecutions of Pagan emperors, were exceeded in atrocity by the massacres and murders perpetrated by Christian hands; and in vain shall we examine the records of imperial tyranny for an engine of cruelty equal to the *holy inquisition*. Every religious sect, however meek in its origin, commenced the work of persecution as soon as it acquired political power. The framers of the constitution recognized the eternal principle, that man's relation with his God is above human legislation, and his rights of conscience unalienable. Rea-



soning was not necessary to establish this truth; we are conscious of it in our own bosoms. It is this consciousness which, in defiance of human laws, has sustained so many martyrs in tortures and in flames. They *felt* that their duty to God was superior to human enactments, and that man could exercise no authority over their consciences; it is an inborn principle which nothing can eradicate.

The bigot, in the pride of his authority, may lose sight of it—but strip him of his power; prescribe a faith to him which his conscience rejects; threaten him in turn with the dungeon and the faggot; and the spirit which God had implanted in him, rises up in rebellion and defies you. Did the primitive Christians ask that government should recognize and observe their religious institutions? All they asked was *toleration*; all they complained of, was persecution. What did the protestants of Germany, or the Huguenots of France, ask of their catholic superiors? *Toleration*. What do the persecuted catholics of Ireland ask of their oppressors? *Toleration*.

Do all men in this country enjoy every religious right which martyrs and saints ever asked? Whence, then, the voice of complaint? Who is it, that, in full enjoyment of every principle which human laws can secure, wishes to wrest a portion of these principles from his neighbor? Do the petitioners allege that they cannot conscientiously participate in the profits of the mail contracts and post offices, because the mail is carried on Sunday? If this be their motive, then it is worldly gain which stimulates to action, and not virtue or religion. Do they complain that men, less conscientious in relation to the sabbath, obtain advantages over them, by receiving their letters and attending to their contents? Still their motive is worldly and selfish. But, if their motive be to induce congress to sanction, by law, their *religious opinions* and *observances*, then their efforts are to be resisted, as in their tendency fatal, both to religious and political freedom. Why have the petitioners confined their prayer to the mails? Why have they not requested to suspend *all* its executive functions on that day? Why do they not require us to enact that our ships shall not sail? that our armies shall not march? that officers of justice shall not seize the suspected, to guard the convicted? They seem to forget that government is as necessary on Sunday as on any other day of the week. The spirit of evil does not rest on that day. It is the government, ever active in its functions, which enables us all, even the petitioners, to worship in our churches in peace.

Our government furnishes very few blessings like our mails. They bear from the centre of our republic to its dis-



tant extremes, the acts of our legislative bodies, the decisions of the judiciary, and the orders of the executive. Their speed is often essential to the defence of the country, the suppression of crime, and the dearest interests of the people. Were they suppressed one day of the week, their absence must be often supplied by public expresses; and besides, while the mail bags might rest, the mail coaches would pursue their journey with the passengers. The mail bears, from one extreme of the Union to the other, letters of relatives and friends, preserving a communion of heart between those far separated, and increasing the most pure and refined pleasures of our existence; also, the letters of commercial men convey the state of the markets, prevent ruinous speculations, and promote general, as well as individual, interest; they bear innumerable religious letters, newspapers, magazines, and tracts, which reach almost every house throughout this wide republic. Is the conveyance of these a violation of the sabbath? The advance of the human race in intelligence, in virtue, and religion itself, depends in part upon the speed with which a knowledge of the past is disseminated. Without an interchange between one country and another, between different sections of the same country, every improvement in moral or political science, and the arts of life, would be confined to the neighborhood where it originated. The more rapid and the more frequent this interchange, the more rapid will be the march of intellect, and the progress of improvement. The mail is the chief means by which intellectual light irradiates to the extremes of the republic. Stop it one day in seven and you retard one seventh the advancement of our country. So far from stopping the mail on Sunday, the committee would recommend the use of all reasonable means to give it a greater expedition and a greater extension. What would be the elevation of our country, if every new conception could be made to strike every mind in the Union at the same time? It is not the distance of a province or state from the seat of government, which endangers its separation; but it is the difficulty and unfrequency of intercourse between them. Our mails reach Missouri and Arkansas in less time than they reached Kentucky and Ohio in the infancy of their settlements; and now, when there are three millions of people extending a thousand miles west of the Allegany, we hear less of discontent, than when there were a few thousand scattered along their western base.

To stop the mails one day in seven would be to thrust the whole western country, and other distant parts of the republic, one day's journey from the seat of government. But were it expedient to put an end to the transmission of letters, and newspapers on Sunday, because it violates the law of

God, have not the petitioners begun wrong in their efforts? If the arm of government be necessary to compel men to respect and obey the laws of God, do not the state governments possess infinitely more power in this respect? Let the petitioners turn to *them*, and see if they can induce the passage of laws to respect the observance of the sabbath: for, if it be sinful for the mail to carry letters on Sunday; it must be equally sinful for individuals to write, carry, receive, or read them. It would seem to require that these acts should be made penal, to complete the system. Travelling on business or recreation, except to and from church; all printing, carrying, receiving, and reading of newspapers; all conversations and social intercourse, except upon religious subjects, must necessarily be punished to suppress the evil. Would it not also follow, as an inevitable consequence, that every man, woman, and child, should be compelled to attend meeting? and, as only one sect, in the opinion of some, can be deemed orthodox, must it not be determined, by law, which *that is*, and compel all to hear those teachers, and contribute to their support? If minor punishments would restrain the Jew, or the sabbatarian, or the infidel, who believes Saturday to be the sabbath, or disbelieves the whole, would not the same require that we should resort to imprisonment, punishment, the rack, and the faggot, to force men to violate their own consciences, or compel them to listen to doctrines which they abhor? When the state governments shall have yielded to these measures, it will be time enough for congress to declare that the rattling of the mail coaches shall no longer break the silence of this despotism. It is a duty of this government to afford to *all*—to the Jew or Gentile, Pagan or Christian, the protection and advantages of our benignant institutions, on *Sunday*, as well as every other day of the week. Although this government will not convert itself into an ecclesiastical tribunal, it will practice upon the maxim laid down by the founder of Christianity—that it is lawful to do *good* on the sabbath day. If the Almighty has set apart the first day of the week as time which man is bound to keep holy, and devote exclusively to his worship, would it not be more congenial to the precepts of Christians, to appeal exclusively to the great lawgiver of the universe to aid them in making men better, in correcting their practices by purifying their hearts? Government will protect them in their efforts. When they shall have so instructed the public mind, and awakened the consciences of individuals, as to make them believe that it is a violation of God's law to carry the mail, open post offices, or receive letters, on Sunday, the evil of which they complain will cease of itself, without any exertion of the strong arm of civil power. When man undertakes to be God's avenger, he becomes a demon.

Driven by the frenzy of a religious zeal, he looses every gentle feeling ; forgets the most sacred precepts of his creed ; and becomes ferocious and unrelenting.

Our fathers did not wait to be oppressed, when the mother country asserted and exercised an unconstitutional power over them. To have acquiesced in the tax of three pence upon a pound of tea, would have led the way to the most cruel exactions ; they took a bold stand against the principle, and liberty and independence were the result. The petitioners have not requested congress to suppress Sunday mails upon the ground of political expediency, but because they violate the sanctity of the first day of the week.

This being the fact, and the petitioners having indignantly disclaimed even the wish to unite politics and religion, may not the committee reasonably cherish the hope that they will feel reconciled to its decision, in the case ; especially, as it is also a fact, that the counter memorials, equally respectable, oppose the interference of congress, upon the ground that it would be legislating upon a religious subject, and therefore unconstitutional.

*Resolved*, That the committee be discharged from the further consideration of the subject.

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